A

COLLECTION

OF ALL THE

ACTS OF ASSEMBLY,

OF THE PROVINCE OF

NORTH-CAROLINA,

NOW IN FORCE AND USE.

TOGETHER

WITH THE TITLES OF ALL SUCH LAWS AS ARE OBSOLETE, EXPIRED OR REPEALED.

IN TWO VOLUMES.

WITH

MARGINAL NOTES AND REFERENCES, AND AN EXACT TABLE TO THE WHOLE.

VOLUME II.

NEWBERN:

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BRITISH MUSEUM

A. D. 1752.

ANNO REGNI GEORGII II. REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ, VICESSIMO QUINTO.

At a GENERAL ASSEMBLY, held at *Bath*-Town, the Thirty First Day of *March*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Two.

GABRIEL JOHNSTON, Eſq; Governor.

CHAP. I.

An Act, for licenſing Traders, Pedlars, and Petty Chapmen, and granting to his Majeſty an Impoſt or Duty on Goods, Wares, and Merchandize, to raiſe Supplies for defraying the neceſſary Charges of Government. EXP.

CHAP. II. Expired

An Act, for facilitating the Navigation of Port-Bath, Port-Roanoke, *and* Port-Beaufort.

I. WHEREAS conſiderable Injuries have frequently happened to divers Merchants who have ſent their Ships and Veſſels to *Bath*, *Edenton*, and *Newbern*, by Reaſon of the Badneſs of the Channels leading to the ſaid Places, the Inſufficiency and Negligence of Pilots, the Want of Staking out the ſaid Channels, and making the Navigation more eaſy; whereby the Trade of thoſe Parts of the Province is greatly impaired: For Remedy whereof,

See Act paſſed *May* 1757 Chap. 2 alſo Act paſſed *Sept.* 1755, Chap. 10. alſo Act paſſed *Dec.* 11, 1762, Chap. 11.

II. We pray it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council,*

A. D. 1752. Commiſſioners for the ſeveral Ports appointed.

and the General Aſſembly of this Province, and by the Authority of the ſame, That Mr. *Michael Coutanch*, Mr. *Samuel Sinclare*, and Mr. *James Calf*, be, and are hereby appointed Commiſſioners for *Port-Bath*; the Honourable *Francis Corbin*, Mr. *John Campbell*, Mr. *Joſeph Blount*, Mr. *James Trotter*, and Mr. *James Turnbull*, be, and are hereby appointed Commiſſioners for *Port-Roanoke*; and Mr. *John Williams*, Mr. *John Clitherall*, and Mr. *Joſeph Balch*, be, and are hereby appointed Commiſſioners for *Port-Beaufort*; to contract with proper Perſons, to examine, from Time to Time, the Situation of the Swatch, and to keep the ſame, and all other Channels, leading from *Ocacock* Bar to *Bath*, *Edenton*, and *Newbern*, well and ſufficiently ſtaked out, and to erect Beacons at *Ocacock*, *Beacon-Iſland*, *Core-Banks*, and all other ſuch Places as the ſaid Commiſſioners ſhall think moſt convenient for the Safety of Veſſels.

Who are to meet at *Bath-Town*, annually.

III. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, the ſaid Commiſſioners ſhall, once every Year, meet at *Bath-Town*, to examine into the Conduct of the Perſons by them employed; and to appoint one or more of their Number to go to *Ocacock*, to ſee that the ſaid Channels are ſtaked, and the Beacons kept up.

And to examine Pilots, and certify ſuch as are qualified, to the Governor.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners, or the Majority of them, in each reſpective Port, ſhall have full Power and Authority, to examine Pilots touching their Qualification, and upon their Approbation to grant them a Certificate or Certificates, to be produced to his Excellency the Governor, in order to obtain his Warrant to pilot Veſſels in all or any of the reſpective Ports aforeſaid; and in Caſe any Perſon ſhall pretend to pilot or take Charge of any Ship or Veſſel without having paſſed an Examination as aforeſaid, and obtained a Warrant for ſo doing, he ſhall forfeit and pay, for each and every Offence, the Sum of Ten Pounds, Proclamation Money; to be recovered in any Court of Record in this Province, by Bill, Plaint or Information; one Third to the Informer, the other two Thirds to the Commiſſioners, to be by them applied towards the Staking out the Channels as aforeſaid.

Pen. on Pilots acting without the Governor's Warrant.

Pilots Fees.

V. *AND be it further Enacted, by the Authority aforeſaid*, That there ſhall be allowed and paid to every Pilot who ſhall take Charge of any Veſſel, the following Pilotage; that is to ſay,

FOR every Ship or Veſſel, from the Outſide of the Bar into *Beacon-Iſland* Road, Two Shillings, Proclamation Money, *per* Foot, for every Veſſel that draws Eight Feet Water, or leſs.

AND for every Veſſel that draws more than Eight Feet Water, Two Shillings and Six Pence, Proclamation Money, *per* Foot.

AND that the ſame Wages be allowed to Pilots for Pilotage outwards, as inwards.

AND for every Veſſel, from *Beacon-Iſland* Road, that draws Six Feet Water, or leſs, to *Bath-Town*, Thirty Shillings, Proclamation Money; and for every Veſſel that draws above Six Feet, Six Shillings, Proclamation Money, *per* Foot.

AND for every Veſſel, from *Beacon-Iſland* Road, that draws Six Feet Water, or leſs, to *Edenton*, Three Pounds Twelve Shillings, Proclamation Money; and for every Veſſel that draws above Six Feet, Twelve Shillings, Proclamation Money, *per* Foot.

AND

AND for every Veſſel, from *Beacon-Iſland* Road, that draws Six Feet Water, or leſs, to *Newbern*, Thirty Six Shillings, Proclamation Money; and for every Veſſel that draws above Six Feet, Six Shillings, Proclamation Money, *per* Foot. *A. D.* 1752.

And any Pilot, appointed as is herein before mentioned, who ſhall demand or exact any greater Wages than is by this Act directed and appointed, ſhall forfeit and pay Ten Pounds, Proclamation Money; to be recovered by Action of Debt, Bill, Plaint or Information, by any Perſon that will ſue for the ſame, in any Court of Record in this Province; wherein no Eſſoign, Imparlance, Injunction or Wager of Law, ſhall be admitted or allowed of; *Provided*, that the ſaid Suit is brought or proſecuted within One Year after ſuch Demand or Exaction made, and not afterwards. Pen. on Pilots taking greater Fees.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners, after the ſaid Channels are Beaconed, Staked, and Marked out as aforeſaid, ſhall cauſe Draughts thereof to be made, and ſhall alſo publiſh the ſame in the *Gazette*, with the ſeveral Courſes from the Bar, up to *Edenton*, *Bath*, and *Newbern*, and the Bearings and Diſtances of all Beacons, or Land-Marks, erected in Conſequence of this Act. * Commiſſioners to cauſe Draughts to be made of the ſeveral Channels.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That each of the ſaid Collectors herein appointed for the ſeveral Ports aforeſaid, ſhall, before he enters on the ſaid Office, give Security, in the Sum of Three Hundred Pounds, Proclamation Money, to the Commiſſioners herein appointed for each of the ſaid Ports reſpectively, for the due Performance of the Truſt repoſed in him, and for his accounting with, and paying to the ſaid Commiſſioners, as often as required, all ſuch Sum or Sums of Money as ſhall be, from Time to Time, by him received: And if either of the ſaid Collectors ſhall refuſe to give ſuch Security, *It is hereby Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners of that Port ſhall and may appoint another Receiver or Receivers, in his or their Place and Stead; who ſhall have full Power and Authority to receive the ſaid Tax, giving ſuch Security to the Commiſſioners of the Port where he is ſo appointed. Collectors to give Bond. If any refuſe, Commiſſioners to appoint others.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That each Receiver ſhall, in his Port, have full Power and Authority, to go on board any Veſſel, in order to meaſure and aſcertain the Burthen of ſuch Veſſel; and ſhall likewiſe have full Power and Authority to examine, on Oath, the Maſter of any Veſſel, for that Purpoſe. Collector's Power to meaſure Veſſels.

X. *AND be it further Enacted, by the Authority aforeſaid*, That every Collector or Receiver ſhall, for his Trouble, in receiving and paying the Tax aforeſaid, be allowed Five *per Cent.* on what Money he ſhall ſo receive and pay to the Commiſſioners aforeſaid reſpectively. Collector allowed 5 *per Cent.*

XI. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, no Collector of either of the ſaid Ports, ſhall clear out any Veſſel, till the Maſter ſhall have produced to him a Certificate from the Receiver of the ſaid Tax, of his having paid the ſame, under the Penalty of Twenty Pounds, Collector not to clear out any Veſſel, till a Certificate be produced of the Payment of the Tax.

* The VIIth Section of this Act repealed by Act, paſſed *Dec.* 11, 1762, Chap. XI.

A. D. 1752. Pounds, Proclamation Money; to be recovered in any Court of Record within this Province, by Bill, Plaint or Information; wherein no Eſſoign, Imparlance, Injunction, or Wager of Law, ſhall be allowed or admitted, by any Perſon who will ſue for the ſame; one half to the Proſecutor, the other to the Commiſſioners; to be by them applied to the Uſes intended by this Act.

Expence of Beacons, &c. how to be paid.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the Expence of ſetting up Beacons at *Ocacock*, *Beacon-Iſland*, and *Core-Banks*, and the Staking out the Swatch, ſhall be diſcharged by the Commiſſioners hereby appointed for the ſeveral Ports, in the Proportion following; that is to ſay, The Commiſſioners for *Port-Roanoke*, ſhall pay Two Fifths of the ſaid Charge and Expence; and the Commiſſioners for the Port of *Bath*, and for the Port of *Beaufort*, ſhall pay, jointly, the other three Fifths of the ſaid Charge and Expence, out of the Monies by them received; and the Expence of Staking out the other Channels leading to each of the ſaid Ports, ſhall be ſeverally paid by the Commiſſioners of each reſpective Port to which the ſaid Channels lead.

Number of Commiſſioners or Receivers to be kept up.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That upon the Death, Removal, or Refuſal of any of the ſaid Commiſſioners or Receivers to act, the remaining Commiſſioners of each reſpective Port, ſhall and may chooſe and appoint another Commiſſioner or Receiver in the ſaid Port, in the Room of ſuch Commiſſioner or Receiver ſo dying, removing, or refuſing to act.

Pen. on Perſons throwing Ballaſt into Channels.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That no Maſter or other Perſon, belonging to any Veſſel trading to this Government, ſhall caſt or throw over-board, into any Channel within the ſaid Ports, any Stones or other Ballaſt whatſoever, under the Penalty of Twenty Pounds, Proclamation Money, for every ſuch Offence; to be recovered by Action of Debt, Bill, Plaint or Information, in any Court of Record in this Government; wherein no Eſſoign, Injunction, or Wager of Law, ſhall be allowed: And if any Perſon or Perſons ſhall wilfully pull down, remove or deſtroy any Beacon, Stake, or other Marks erected or placed in Virtue of this Act, he or they ſhall, for every ſuch Offence, forfeit and pay One Hundred Pounds, Proclamation Money; to be recovered by Action of Debt, Bill, Plaint or Information, in the General Court of this Province, by any Perſon that ſhall or will ſue for the ſame; one half to the Proſecutor, and the other half to the ſaid Commiſſioners, to be applied to the Uſes aforeſaid.

Or deſtroying the Beacons, &c.

Commiſſioners to account with the Gen. Aſſembly.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners, as often as they are required, ſhall account with the General Aſſembly, for ſuch Money as ſhall be by them, from Time to Time, reſpectively received; and ſhall have ſuch Allowance for their Expence as ſhall appear reaſonable.

And impowered to take up Money on Intereſt.

XVI. AND whereas it will be a conſiderable Time before a ſufficient Sum to defray the Charges aforeſaid is collected and received by this Tax; whereby the Staking out the Channels and erecting Beacons will be much delayed; *Be it therefore Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſeveral and reſpective Ports, ſhall have full Power and Authority to take up, on Loan, or at Intereſt, any Sum, not exceeding One Hundred Pounds, Proclamation Money, in each

each of the ſaid Ports, in order to enable them to have the ſaid Channels ſtaked, and Beacons erected, as aforeſaid, as ſoon as poſſible. A. D. 1752.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall continue and be in Force for and during the Term of Five Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer. Continuance of the Act.

CHAP. III.

An Act, for appointing a Treaſurer for the Counties of Currituck, Paſquotank, Perquimons, Chowan, Tyrel, Bertie, Edgcomb, Northampton, *and* Granville; *and for continuing an Act, intituled*, An Act, to appoint a Public Treaſurer in the Room of *Eleazer Allen*, Eſq; deceaſed. *EXP.* See Act paſſed *Dec.* 1754, Ch. 5.

CHAP. IV.

An Act, to amend and extend an Act, to appoint Inſpectors in New-Hanover *County, and for regulating the Exports at* Cape-Fear. REP.

CHAP. V.

An Act, to amend an Act, for regulating the Pilotage of Cape-Fear *River, and to impower the Captain of Fort* Johnſton, *at the Mouth of the ſaid River, to examine all Veſſels entering the ſaid River, concerning the Health of their Crews on Board the ſaid Veſſels.* Repealed

I. WHEREAS in the before recited Act, the Fees allowed the Pilots of *Cape-Fear*, are too ſmall;

II. WE therefore pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame*, That from and after the paſſing of this Act, it ſhall and may be lawful for the Pilots at *Cape Fear*, to take, for Piloting every Veſſel over the Bar up to *Brunſwick*, the Rates, in Proclamation Money, according to the following Table; any Thing in the before recited Act to the contrary notwithſtanding, *viz.*

FOR every Veſſel drawing Six Feet of Water, or leſs, Twelve Shillings and Nine Pence. Pilots Fees.

FOR every Veſſel drawing Seven Feet of Water, Seventeen Shillings and Six Pence.

FOR every Veſſel drawing Eight Feet of Water, Twenty Two Shillings and Six Pence.

A. D. 1752.

FOR every Veſſel drawing Nine Feet of Water, Twenty Seven Shillings and Six Pence.

FOR every Veſſel drawing Ten Feet of Water, Thirty Shillings.

FOR every Veſſel drawing Eleven Feet of Water, Thirty Five Shillings.

FOR every Veſſel drawing Twelve Feet of Water, Forty Shillings.

FOR every Veſſel drawing Twelve Feet and an half of Water, Forty Five Shillings.

FOR every Veſſel drawing Thirteen Feet of Water, Fifty Shillings.

FOR every Veſſel drawing Thirteen Feet and an half of Water, Fifty Five Shillings.

FOR every Veſſel drawing Fourteen Feet of Water, Three Pounds.

FOR every Veſſel drawing Fourteen Feet and an half of Water, Three Pounds Five Shillings.

FOR every Veſſel drawing Fifteen Feet of Water, Three Pounds Ten Shillings.

FOR every Veſſel drawing Sixteen Feet of Water, Four Pounds Ten Shillings.

FOR every Veſſel drawing Seventeen Feet of Water, Five Pounds Five Shillings.

AND for piloting a Veſſel from *Brunſwick* up to the *Great Iſland*, one Third Part of the above Rates, according to the Draught of Water of ſuch Veſſel reſpectively; and from the ſaid *Great-Iſland* over the Flats up to *Wilmington*, one other Third Part of the ſaid Rates as aforeſaid; and for piloting each Veſſel outward bound, the like Rates ſhall and may be taken, for the like Diſtances and Draughts of Water reſpectively, as are herein before aſcertained for Veſſels inward bound.

Pen. for taking greater Fees.

III. *AND be it further Enacted, by the Authority aforeſaid*, That no Pilot ſhall preſume to take greater Fees than the aforeſaid, under the Penalty mentioned in the before-recited Act; to be recovered and applied as is therein directed.

Pilot to have whole Fees, if he endeavours to get on board Veſſels.

IV. AND whereas, in the before-recited Act, it was Enacted, That if any Veſſel ſhould come over the Bar before a Pilot gets on board the ſame, ſuch Veſſel ſhall not be liable to pay above one half Pilotage, which is found to be of very bad Conſequence; *Be it therefore Enacted, by the Authority aforeſaid*, That if any Pilot ſhall uſe his utmoſt Endeavours and Skill, to get on board a Veſſel before ſhe comes over the Bar, he ſhall be intitled to his whole Fees; any Thing in the before recited Act to the contrary notwithſtanding.

Maſters of Veſſels ſending for Pilots beforethey are ready, to maintain them.

V. AND whereas it has been frequently the Cuſtom of Maſters of Veſſels or others to ſend for a Pilot to carry down a Veſſel before they were ready to go down; *Be it therefore Enacted, by the Authority aforeſaid*, That ſuch Maſters of Veſſels, or others, ſhall maintain ſuch Pilot at his own proper Expence and Charge, until he be ready.

Repealing Clauſe.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That each and every Clauſe in the before-recited Act, within the Purview of this Act, is hereby repealed, and declared null and void, to all Intents and Purpoſes as if the ſame had never been made.

CHAP.

CHAP. VI.

A. D. 1752.

An Act, for dividing Part of Granville, Johnſton, *and* Bladen *Counties, into a County and Pariſh, by the Name of* Orange *County, and Pariſh of* St. Matthew; *and for appointing Veſtrymen for the ſaid Pariſh, and other Purpoſes therein mentioned.* REP.

See Act paſſed Sept. 1756, Ch. 22.

CHAP. VII.

An Act, for appointing and laying out a Town at a Place called Blackman's Landing, *on the* Weſt *Side of* Caſia *River, on a Plantation belonging to* Joſeph Wimberly.

Private.

I. WHEREAS many of the Inhabitants of *Bertie* County, have Petitioned for an Act for appointing a Town at a Place called *Blackman*'s Landing on the *Weſt* Side of *Caſia* River, on a Plantation belonging to *Joſeph Wimberly*, and that Commiſſioners may be appointed for laying out the ſame:

II. WE pray it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame,* That as ſoon as the Proprietor of the ſaid Land at the Place called *Blackman*'s Landing, ſhall acknowledge his Conſent and Concurrence, in open Court of the ſaid County, to have Fifty Acres of Land laid out for a Town, as herein after is directed, it ſhall and may be lawful for *Thomas Whitmill*, *John Hill*, and *John Hearſt*, who are hereby nominated and appointed Commiſſioners, with full Power and Authority to lay out Fifty Acres of Land, at the ſaid Place called *Blackman*'s Landing, for a Town, by the Name of *Wimberly*; and they, or the major Part of them, are hereby directed and impowered, to lay out Fifty Acres of Land, at and adjoining the ſaid Landing, into Lots, of half an Acre each, with convenient Streets, and a Place for a Church, and Market.

III. *AND be it further Enacted, by the Authority aforeſaid*, That when the Commiſſioners as aforeſaid, or the major Part of them, have laid out the ſaid Town in Manner as aforeſaid, every Perſon whatſoever who is willing to be an Inhabitant of the ſaid Town, ſhall have Liberty to take up any Lot or Lots ſo laid out as aforeſaid, and not before taken up; which Lot or Lots the Commiſſioners, or the Majority of them, are hereby impowered and directed, to grant, convey and acknowledge, by Deed, to the Perſon or Perſons ſo taking up the ſame, and his Heirs and Aſſigns, for ever, in Fee-ſimple, upon Payment of Thirty Shillings Proclamation Money.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That Mr. *Robert Hunter*, be, and he is hereby appointed Treaſurer and Receiver of all ſuch Sum and Sums of Money which ſhall ariſe by the Sale of the ſaid Lots, for the Uſe of the ſaid

Joſeph

A. D. 1752. *Joſeph Wimberly*, his Heirs and Aſſigns; and on the Death, or Departure out of the Government of the ſaid Treaſurer, the ſaid Commiſſioners, or the Majority of them, ſhall appoint ſome other Perſon in the Place of the ſaid Treaſurer.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Treaſurer herein appointed, and every Treaſurer that may be hereafter appointed by the Commiſſioners as aforeſaid, ſhall give Security to the County Court, that he ſhall and will account and pay in all the Monies he ſhall receive by the Sale of all and every the Lot and Lots that ſhall be ſold in each Year, on the Twenty Fifth Day of *March*, Yearly, to Mr. *Joſeph Wimberly*, his Heirs or Aſſigns.

VI. *PROVIDED always*, That if any Lot or Lots ſhall be granted and conveyed by the ſaid Commiſſioners, to any Perſon or Perſons whatſoever, who ſhall not, within Eighteen Months, build a good ſubſtantial habitable framed or Brick Houſe, not of leſs Dimenſions than Twenty Feet in Length, and Sixteen Feet wide, with a Brick Chimney, ſuch Grant or Conveyance ſhall be void and of none Effect, as if the ſame had never been made; and the Commiſſioners may grant and convey ſuch Lot or Lots which ſhall not be built on within the Time, and in the Manner as is before directed, to any other Perſon or Perſons applying for the ſame, and paying the Money for the ſaid Lot or Lots, as is in this act before directed, for the Uſe of the ſaid *Joſeph Wimberly*, his Heirs or Aſſigns, as aforeſaid.

CHAP. VIII.

See Act paſſed *Feb* 1754, Ch. 4. alſo Act paſſed *Sept.* 1756, Chap. 10.

Private.

An Act, to explain and amend an Act, intituled, An Act, for impowering the ſeveral Commiſſioners herein after named, to make, mend, and repair, all Roads, Bridges, Cuts, and Water-Courſes, already laid out, or hereafter to be laid out, in the ſeveral Counties and Diſtricts herein after appointed, in ſuch Manner as they judge moſt uſeful to the Public.

I. WHEREAS ſome Doubts have ariſen, whether the Commiſſioners, by Virtue of the before-recited Act, had ſufficient Power to clear any Rivers or Creeks; the Want whereof hath been greatly detrimental to the Trade and Navigation of this Province: For Remedy whereof,

II. We pray it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame*, That from and after the paſſing of this Act, it ſhall and may be lawful for the ſeveral Commiſſioners of the Roads appointed by Virtue of the before-recited Act, to ſummon and order the Taxables within their reſpective Diſtricts, or ſo many of them as they may think convenient, which by Law ought to work on the Roads, to clear and keep clear, any Rivers or Creeks within their ſeveral and reſpective Diſtricts, in the ſame Manner, and under the like Penalties, as they may now, by Virtue of the before-recited Act, ſummon and order any Perſon or Perſons within their ſeveral Diſtricts to work on the Roads,

III. *PRO*

III. *PROVIDED*, That the ſaid Commiſſioners iſſue Summonſes, giving the taxable Perſons liable to work on the ſaid Rivers and Creeks, Two Days Notice, to clear the ſaid Rivers and Creeks, twice every Year, between the laſt Day of *May*, and the firſt Day of *October*, then next following, Yearly, notifying, that the ſaid Taxables ſhall work Three Days, and not longer, at each Time. *A. D.* 1752.

CHAP. IX.

An Act, to encourage Caleb Grainger, *to build a Bridge over* Smith's *Creek, near the Place known by the Name of* Smith's *Creek Ferry, in* New-Hanover *County.*

I. WHEREAS a Bridge over *Smith*'s Creek, near the Place where the Ferry now is, would be very convenient for Travellers; and *Caleb Grainger* being deſirous of building one there, at his own Expence, on Condition, of having the Benefit thereof for the Space of Twenty Five Years: Private.

II. *BE it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame,* That it ſhall and may be lawful for the ſaid *Caleb Grainger*, his Executors, Adminiſtrators, or Aſſigns, to erect and build a good ſubſtantial Bridge over *Smith*'s Creek, as near as he conveniently can, to the Place where the main Road croſſeth the ſaid Creek, near the Place commonly called *Smith*'s *Creek Ferry*; and after building the ſaid Bridge as aforeſaid, it ſhall and may be lawful for the ſaid *Caleb Grainger*, his Heirs, Executors, Adminiſtrators, or Aſſigns, to keep a ſufficient Gate thereon, and take and receive, from all Perſons that ſhall paſs over the ſame, the following Rates; that is to ſay, for every Man and Horſe, Four Pence; for every Carriage, drawn by one or Two Horſes, or Oxen, One Shilling; and for every Ox or Horſe more, Four Pence, each: And for every Head of Neat Cattle, One Penny; and for every Twenty Hogs or Sheep, One Shilling, and ſo in Proportion, for a greater or leſſer Number of Hogs or Sheep: And for all Travellers on Foot, living in the County of *New-Hanover*, Two Pence, each, for and during the Space of Twenty-five Years.

III. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſaid Bridge is ſo built and compleated as aforeſaid, (provided the ſaid Bridge ſhall be ſo done within Two Years after the paſſing of this Act) it ſhall not be lawful, during the Time the ſaid Bridge ſhall be kept in Repair, and fit for Taavellers and Carriages to paſs and repaſs over the ſame, for any Perſon whatſoever, to keep any Ferry, build any Bridge, or ſet any Perſon or Perſons, Carriage or Carriages, Cattle, Hogs, or Sheep, over the ſaid Creek, for Fee or Reward, within Six Miles of the ſame, during the Time aforeſaid, under the Penalty of Twenty Shillings Proclamation Money, for each and every Offence; to be recovered, by a Warrant, by the ſaid *Caleb Grainger*, his Heirs, Executors, Adminiſtrators, or Aſſigns, before any Magiſtrate of the County of *New-Hanover*; to be applied to the Uſe of the Proprie-

A. D. 1752. tor of the Bridge built by the ſaid *Caleb Grainger*; and during the ſaid Time, the Right and Property of the ſaid Bridge is hereby inveſted in the ſaid *Caleb Grainger*, his Heirs, Executors, Adminiſtrators, or Aſſigns.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That when the aforeſaid Bridge ſhall be built, the aforeſaid *Caleb Grainger*, his Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall keep the ſame in good Order, and fit for paſſing over, during the aforeſaid Space of Twenty Five Years; and ſhall, at the Expiration thereof, leave the ſame in like good Order.

SIGNED by

GABRIEL JOHNSTON, Eſq; Governor.

MATTHEW ROWAN, Preſident.

SAMUEL SWANN, Speaker.

ANNO

A. D. 1753.

ANNO REGNI

GEORGII II.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

VICESSIMO SEXTO.

At a GENERAL ASSEMBLY, begun and held at *Newbern*, the Twenty Seventh Day of *March*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Three. MATTHEW ROWAN, Eſq; Preſident.

CHAP. I.

An Act, to prevent exceſſive and deceitful Gaming. EXP.

CHAP. II.

An Act, for appointing and laying out a Town on Core-Banks, *near* Ocacock *Inlet, in* Carteret *County, and for appointing Commiſſioners for compleating the Fort, at or near the ſame Place.*

I. WHEREAS the Trade of this Province is greatly obſtructed by Reaſon of the Shoals that lay within *Ocacock* Inlet, ſo that the Merchants and other Traders are obliged to employ ſmall Veſſels, in lightening others of greater Burthen over the Swatch, which is not only very expenſive, but alſo very dangerous, for Veſſels of large Burthen laying at the Swatch, during the Time they are ſo lightened over it, notwithſtanding Ships of very great Burthen may with great Safety come over *Ocacock* Inlet, and commodiouſly ride at Anchor in the Harbour adjoining Private.

A. D. 1753. adjoining *Core* Banks: And as it is found, by Experience, that the Merchants trading in *Albemarle* County, *Pamplico*, and *Neuſe* Rivers, are obliged to ſend down to *Ocacock* Inlet or *Core* Banks, ſometimes the whole, and almoſt always one half of the Loading of their Veſſels, of any conſiderable Burthen, ſo that it is abſolutely neceſſary to have Warehouſes and other Conveniences on the ſaid Banks near the ſaid Harbour, for the Reception and ſafe-keeping of the Commodities they are conſtantly obliged to ſend down, for compleating the Loading of their Ships:

II. We therefore pray that it may be Enacted, *And be it Enacted, by the Honourable* Matthew Rowan, *Eſq; Preſident, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame*, That it ſhall and may be lawful for Mr. *Joſeph Bell*, of *Carteret* County, Mr. *John Williams*, and Mr. *Joſeph Leech*, of *Newbern* Town, Mr. *Michael Coutanch*, of *Bath* Town, Mr. *John Campbell*, of *Edenton*, or any Three of them, who are hereby appointed Commiſſioners, with full Power and Authority, to lay out Fifty Acres of Land on *Core* Banks, moſt convenient to the ſaid Harbour, adjoining the ſaid Banks, for a Town, by the Name of *Portſmouth*, into Lots of half an Acre each Lot, with convenient Streets, as they may think requiſite.

III. *AND be it Enacted, by the Authority aforeſaid*, That when the Commiſſioners aforeſaid, or the major Part of them, have ſo laid out the Town in Manner aforeſaid, every Perſon whatſoever who is willing to be an Inhabitant of the ſaid Town, ſhall have Liberty to take up any Lot or Lots of Land ſo laid out as aforeſaid, and not before taken up, which Lot or Lots the Commiſſioners, or the Majority of them are hereby impowered and directed to grant, convey, and acknowledge, by Deed, to the Perſon or Perſons ſo taking up the ſame, and his or their Heirs and Aſſigns for ever, in Fee-ſimple, upon the Payment of Twenty Shillings Proclamation Money.

IV. *AND be it further Enacted*, That Mr. *Joſeph Bell*, be, and is hereby appointed Treaſurer and Receiver of all ſuch Monies which ſhall ariſe by the Sale of the ſaid Lots, for the Uſe of *John Kerſey*, the now Proprietor of the ſaid Land, his Heirs and Aſſigns; and on the Death or Departure out of this Government of the ſaid Treaſurer, or any one of the before mentioned Commiſſioners, that the ſaid Commiſſioners, or the Majority of them, ſhall appoint ſome other Perſon, (in the Place of the ſaid Treaſurer or Commiſſioner ſo dead or departed) in the Place or County where the ſaid Treaſurer or Commiſſioner ſo dead or departed did reſide.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Treaſurer herein appointed, and every Treaſurer to be choſen or elected by Virtue of this Act, ſhall give Security to the County Court of *Carteret*, that he ſhall and will, from Time to Time, account and pay in all the Monies he ſhall receive, by the Sale of all and every Lot or Lots that ſhall be ſold in each Year, on the Twenty Fifth Day of *March* Yearly, to the ſaid *John Kerſey*, his Heirs or Aſſigns.

VI. *PROVIDED*, That if any Lot or Lots of Land ſhall be granted and conveyed by the ſaid Commiſſioners, to any Perſon or Perſons whatſoever, who ſhall not, within Eighteen Months after the ſaid Conveyance, build a good, ſubſtantial,

ſtantial, habitable framed or Brick Houſe, or a good ſubſtantial Warehouſe, of not leſs Dimenſions than Twenty Feet in Length, and Sixteen Feet wide, ſuch Grant or Conveyance ſhall be void and of none Effect, as if the ſame had never been made, and the Commiſſioners may and ſhall grant and convey ſuch Lot or Lots to any other Perſon or Perſons applying for the ſame, on their paying the Money for the ſaid Lot or Lots, as is in this Act before directed, for the Uſe of the ſaid *John Kerſey*, Proprietor of the ſaid Land, his Heirs or Aſſigns aforeſaid. A D. 1753.

VII. AND whereas the ſaid Town will be a Maritime Town, far diſtant from the Bulk of the Inhabitants of this Province, and liable to the Depredations of an Enemy in Time of War, and Inſults from Pirates and other rude People in Time of Peace; *Be it therefore further Enacted*, That the Sum of Two Thouſand Pounds Proclamation Money, heretofore appropriated for building a Fort or Fortification at or near *Ocacock* Inlet, by an Act of Aſſembly, intituled, *An Act, for granting unto his Majeſty the Sum of Twenty One Thouſand Three Hundred and Fifty Pounds Proclamation Money, and for ſtamping and emitting the ſaid Sum*, depoſited in the Hands of the Treaſurer of the *Northern* Diſtrict, be, and is hereby appropriated towards diſcharging the Expences of building and erecting the ſaid Fort or Fortification.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commander in Chief for the Time being, the Honourable *Francis Corbin*, and *John Rieuſſett*, Eſqrs. Mr. *Joſeph Bell*, Mr. *John Williams*, Mr. *Joſeph Leech*, Mr. *Michael Coutanch*, and Mr. *John Cambell*, be, and are hereby nominated Commiſſioners, in the Place and Stead of the Commiſſioners nominated in the aforeſaid Act, to compleat and finiſh the ſaid Fort or Fortification; and they, or the Majority of them, ſhall be and are hereby inveſted with all the Powers and Authorities given to the Commiſſioners in the before mentioned Act, nominated and appointed for building the ſame; and that the ſaid Fort ſhall be called Fort *Granville*.

CHAP. III.

An Act, to revive and continue a Clauſe in an Act of the General Aſſembly of this Province, intituled, An Act, to fix a Place for the Seat of Government, and for keeping Public Offices, for appointing Circuit Courts, and defraying the Expence thereof; and alſo for eſtabliſhing the Courts of Juſtice, and regulating the Proceedings therein. EXP.

CHAP. IV.

An Act, to relieve ſuch Perſons that have, or may ſuffer, by the Loſs of the Records in Onſlow *County*.

I. WHEREAS by a violent Storm or Whirlwind, in *September* laſt paſt, the Houſe of Mr. *Thomas Black*, late Clerk of the Court for the County of Preamble.

A. D. 1753. of *Onſlow*, together with the Court-houſe, and moſt of the Records belonging to the County Court, were blown away and deſtroyed, whereby the Eſtates of many Orphans and other Perſons may be very much perplexed and prejudiced: For Remedy whereof,

Copy of Records to be given in Evidence.

II. *BE it Enacted, by the Honourable* Matthew Rowan, *Eſq; Preſident, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame*, That from and after the paſſing of this Act, the Copy of any Judgment, Order, Settlement of Orphans and their Eſtates, or other Record of any Matter or Thing tranſacted or done in the County Court of *Onſlow*, atteſted under the Hand of the Clerk who recorded the ſame, (in ſuch Caſes where the Original is loſt or deſtroyed) ſhall and may be given in Evidence in any Diſpute or Controverſy, or in any Court whatſoever, and ſhall have the ſame Weight and Credit given to it as the original Record might, or ought to have, could it have been produced.

Where Copies of Records are loſt, Clerk to record them, on due Proof made to the Court.

III. *AND be it further Enacted, by the Authority aforeſaid*, That where Perſons have neglected taking Copies from the Clerk's Office, or may have loſt them, and are deſirous to perpetuate the Memory of ſuch Judgments, Order, Probat of any Will or Deed, Diſpoſal of, or Settlement of Orphans Eſtates, or any other Matter or Thing tranſacted and done in the ſaid County Court; it ſhall and may be lawful, upon due Proof made in open Court, to the Satisfaction of the Juſtices of ſuch Court, at any Time within Two Years next enſuing the paſſing of this Act, to cauſe the ſame to be entered on Record by the Clerk of the Court, in a particular Book for that Purpoſe, and therein ſhall recite the Witneſſes proving the ſame, and that the Original Record was loſt in the Storm; for which Service he ſhall be allowed a ſufficient Reward, at the Diſcretion of the Juſtices of the County Court, to be paid out of the County Tax.

Such Records deemed good.

IV. *AND be it further Enacted*, That ſuch Record ſo made, ſhall and may, at all Times hereafter, be pleaded and given in Evidence, and have the ſame Authority in any Cauſe or Court whatſoever, as the Original would have, could it have been produced.

Court not held in *Johnſton*, to be no Error in Proceedings.

V. AND whereas ſince the Storm, for Want of Houſes and Accommodations, the Court could not be held at *Johnſton*; *Be it Enacted*, That it ſhall not be deemed or adjudged Error in any Proceedings or other Public Buſineſs, tranſacted in the ſaid Court or County of *Onſlow*, by Reaſon the ſame hath not been held, or hereafter ſhall not be held and tranſacted in the Town of *Johnſton*, until a new Court-houſe ſhall be built for the ſaid County, in the Town of *Johnſton*; and that the ſame ſhall be built within Two Years from the paſſing hereof.

CHAP. V.

An Act, to prohibit the Exportation of Grain in Time of Scarcity. Exp.

CHAP.

A. D. 1753.

CHAP. VI.

An additional Act, to an Act, concerning Servants and Slaves.

Preamble.

I. WHEREAS by an Act, intituled, *An Act, concerning Servants and Slaves*, among other Things, it is provided, That no Slave ſhall go armed with Gun, Sword, Club, or any other Weapon, or ſhall keep any ſuch Weapon, or ſhall hunt or range in the Woods with a Gun, upon any Pretence whatſoever, except ſuch Slave or Slaves who ſhall have a Certificate, as in the ſaid Act is provided: And whereas the Remedy in the ſaid Act provided, has proved ineffectual to reſtrain many Slaves in divers Parts of this Province, from going armed, which may prove of dangerous Conſequence: For Remedy whereof,

Slaves not to hunt with a Gun unleſs their Owners give Security for their Behaviour.

II. WE pray it may be Enacted, *And be it Enacted, by the Honourable* Matthew Rowan, *Eſq*; *Preſident, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province*, That from and after the paſſing of this Act, no Certificate ſhall be ſigned by any Chairman of any County Court in this Province, allowing any Slave to carry a Gun and hunt in the Woods, unleſs the Maſter, Miſtreſs, or Manager of ſuch Slave, ſhall firſt enter into Bond, with ſufficient Security, to the County Court, either before, or at the Time ſuch Certificate ſhall be given, for the good and honeſt Behaviour of ſuch Slave; which Bond may be aſſigned over to any Perſon or Perſons who ſhall be injured by ſuch Slave; which Aſſignee ſhall and may maintain an Action thereon, and recover ſuch Damages as he or ſhe ſhall or may ſuſtain by ſuch Slave, in any Court of Record in this Province, by Action of Debt, Bill, Plaint, or Information; wherein no Eſſoign, Injunction, Protection, or Wager of Law, ſhall be allowed or admitted of.

In what Caſes Slaves may carry Guns.

III. *AND be it further Enacted*, That no Slave ſhall have, or carry a Gun in any Plantation where Crop is not tended, nor more than one in any Plantation where there is Crop tended, nor after Crop is houſed: And the Maſter, Miſtreſs, or Overſeer of any Slave, with whom ſhall be found any Gun, Sword, or other Weapon, contrary to the true Intent and Meaning of this, and the before-recited Act, ſhall forfeit and pay, to the Perſon finding the ſame, the Sum of Twenty Shillings Proclamation Money, to be recovered by a Warrant before any one Juſtice of the Peace for the County where the Offence ſhall be committed; any Puniſhment inflicted on the Slave, Forfeiture of the Gun, Sword, or other Weapon notwithſtanding; unleſs ſuch Maſter, Miſtreſs, or Overſeer, ſhall, by their own Oath, or other Proof, make appear, that ſuch Slave, carrying a Gun, Sword, or other Weapon, was without their Conſent or Knowledge.

Court to appoint Searchers.

IV. *AND be it further Enacted*, That the Juſtices of each County Court, when and where they judge it neceſſary, ſhall divide their reſpective Counties into Diſtricts, and Yearly, at the firſt Court to be held for their Counties reſpectively after the firſt Day of *May*, ſhall appoint Three Freeholders in each Diſtrict as Searchers, who ſhall take the following Oath, *viz*,

A. D. 1753.

Their Oath.

I A. B. *do ſwear, That I will, as Searcher for Guns, Swords, and other Weapons among the Slaves in my Diſtrict, faithfully, and as privately as I can, diſcharge the Truſt repoſed in me, as the Law Directs, to the beſt of my Power.*

So help me God.

Who are to ſearch Negro Quarters.

Which Searchers ſhall four Times in a Year, or oftener if they think neceſſary, ſearch and examine the Quarters and other Places where Negroes reſort in their Diſtrict, for any Gun, Sword, or other Weapon, and upon finding any of the ſaid Weapons, are hereby required to ſeize the ſame, and convert them to their own Uſe, as by the afore-recited Act is directed.

Pen. on Searcher refuſing to act.

V. *AND be it further Enacted*, That any Perſon appointed Searcher as aforeſaid, who ſhall neglect or refuſe to act, ſhall forfeit and pay the Sum of Forty Shillings Proclamation Money, to ſuch Perſon who ſhall next ſucceed him; to be recovered as other Fines in this Act mentioned.

Searchers Privileges.

VI. AND for the Encouragement of ſuch Searchers faithfully to execute their Office; *Be it further Enacted, by the Authority aforeſaid*, That each and every Searcher ſhall, as to his own Perſon, be, during the Time of his Continuance in his Office, exempted from ſerving as a Conſtable, or upon the Roads, or in the Militia, or as a Juror, and ſhall not be obliged to pay any Provincial, County, or Pariſh Tax, of what Kind or Nature ſoever.

Who may be appointed Searchers.

VII. *PROVIDED always*, That no Perſon but ſuch as are liable to be appointed Conſtables, ſhall be obliged to ſerve as Searchers; any Thing in this Act to the contrary notwithſtanding.

Penalty on Slaves hunting with Dogs.

VIII. *AND be it Enacted, by the Authority aforeſaid*, That no Slave ſhall hunt or range in the Woods with a Dog or Dogs, except ſuch as ſhall have a Certificate for Hunting, obtained as is in this Act directed: And if any Slave ſhall be found offending herein, it ſhall and may be lawful for any Perſon or Perſons to kill and deſtroy the ſaid Dog or Dogs, and to bring the ſaid Slave before the next Magiſtrate, who ſhall, on due Proof of his Offence, order the ſaid Slave ſuch Correction as he ſhall judge reaſonable, not exceeding Thirty Laſhes.

In what Caſes outlaw'd or convicted Slaves ſhall be paid for.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That if any Slave or Slaves ſhall be kill'd on Outlawry, or ſhall commit any Crime or Miſdemeanor for which he, ſhe, or they ſhall be capitally convicted, the Owner of ſuch Slave or Slaves ſo outlawed or executed, ſhall be debar'd all Claim on the Public for the Value of ſuch Slave or Slaves, and the Juſtices of the County Court, and Freeholders, who ſhall value the Slave or Slaves ſo killed, or ſit on the Trial of ſuch Slave or Slaves ſo capitally convicted, ſhall not make any Certificate of the Value of the ſame, unleſs it ſhall be made appear, on Motion for ſuch Certificate, by the Owner, or ſome other Perſon, that ſuch Slave or Slaves, killed on Outlawry, or capitally convicted, ſhall have been ſufficiently cloathed, and ſhall likewiſe have conſtantly received, for the preceeding Year, an Allowance, not leſs than a Quart of Corn *per Diem*.

X. *AND*

A D. 1753.

Slaves not fed according to this Act, ſtealing Corn, &c. injured Perſon to ſue the Owner for Treſpaſs.

X. *AND be it Enacted, by the Authority aforeſaid,* That in Caſe any Slave or Slaves, who ſhall not appear to have been cloathed and fed according to the Intent and Meaning of this Act, ſhall be convicted of ſtealing any Corn, Cattle, Hogs, or other Goods whatſoever, from any Perſon not the Owner of ſuch Slave or Slaves, ſuch injured Perſon ſhall and may maintain an Action of Treſpaſs againſt the Maſter, Owner, or Poſſeſſor of ſuch Slave, in the General or County Court, and ſhall recover his or her Damages, with Coſts of Suit; any Law, Uſage, or Cuſtom to the contrary, notwithſtanding.

CHAP. VII.

An Act, for erecting the upper Part of Anſon *County, into a County and Pariſh, by the Name of* Rowan *County, and St.* Luke's *Pariſh; and for appointing a Place for holding a Court in the ſaid County.* REP.

See Act paſſed *Sept.* 1756, Cha. XXII.

CHAP. VIII.

An Act, to amend an Act, intituled, An Act, for dividing Part of *Granville, Johnſton,* and *Bladen* Counties, into a County and Pariſh, by the Name of *Orange* County, and the Pariſh of St. *Matthew,* and for appointing Veſtrymen for the ſaid Pariſh, and other Purpoſes therein mentioned. REP.

SIGNED by

MATTHEW ROWAN, Eſq; Preſident.

JAMES MURRAY, Preſident of the Council.

SAMUEL SWANN, Speaker.

A. D. 1754.

ANNO REGNI GEORGII II,

Regis, *Magnæ Britanniæ, Franciæ, & Hiberniæ,* Viceſſimo Septimo.

MATTHEW ROWAN, Eſq; Preſident.

At a General ASSEMBLY, held at *Wilmington*, the Nineteenth Day of *February*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-four.

CHAP. I.

An Act, for granting to his Majeſty, the Sum of Forty Thouſand Pounds, in Public Bills of Credit, at the Rate of Proclamation Money, to be applied toward defraying the Expence of raiſing and ſubſiſting the Forces for his Majeſty's Service in this Province, to be ſent to the Aſſiſtance of his Majeſty's Colony of Virginia; *and for other Purpoſes therein mentioned.*

Preamble.

I. WHEREAS his Majeſty hath been pleaſed, by Inſtruction to the Commander in Chief of this Province, to direct, that in Caſe any *European* Power, or *Indians* under their Influence, ſhould make any hoſtile Invaſions on this his Majeſty's Province, to repel Force with Force; and on Application, to aſſiſt any neighbouring Province, if any Attack ſhould be made on them:

II. AND whereas the Government of *Virginia* hath deſired the Aſſiſtance of ſome of the Militia of this Province to drive off the *French*, who have lately actually committed Hoſtilities on that Colony, and diſperſed and plundered many of the Inhabitants, built a ſtrong Fort, and placed a Garriſon within the known Bounds of that

that Colony; this Aſſembly being deſirous of ſhewing their Duty to his Majeſty, and Zeal for his Service, and their Concern and Deſire to promote good Order, Literature, and true Religion in all the Parts of this Province, and finding it impracticable (the Scarcity of Money being ſuch) to procure a Sum ſufficient to raiſe and ſubſiſt Forces to be ſent to the Aid of *Virginia*, and for the other Purpoſes above mentioned, by an immediate Tax on the People: Therefore,

Commiſſioners appointed for emitting the Money.

III. We pray that it may be Enacted, *And be it Enacted, by the Honourable* Matthew Rowan, *Eſq; Preſident, and Commander in Chief, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame*, That the Honourable *John Swann*, and *Lewis DeRoſſet*, Eſqrs. *Samuel Swann*, and *John Starkey*, Eſqrs. are hereby authoriſed and impowered Commiſſioners to ſtamp and make out, or cauſe to be ſtamped with Copper-Plates, and ſign'd with their Hands, Public Bills of Credit of this Province, to the Amount of Forty Thouſand Pounds, at the Rate of Proclamation Money; that is to ſay, Two Thouſand Five Hundred Forty Shilling Bills, Four Thouſand Thirty Shilling Bills, Four Thouſand Twenty-ſix Shillings and Eight-pence Bills, Six Thouſand Twenty Shilling Bills, Six Thouſand Fifteen Shilling Bills, Eight Thouſand Ten Shilling Bills, Eight Thouſand Five Shilling Bills, Ten Thouſand Four Shilling Bills, Eleven Thouſand Two Shilling and Eight-penny Bills, Thirty Thouſand One Shilling Bills, Forty Thouſand Eight-penny Bills, and Thirty-one Thouſand Four-penny Bills.

Number of Bills.

Value of the Money.

IV. *AND be it further Enacted, by the Authoity aforeſaid*, That the Bills of Credit to be emitted by Virtue of this Act, ſhall be current and a lawful Tender in all Payments whatſoever, as Proclamation Money, or as Sterling Money, at the proper Difference there is between Proclamation Money and *Sterling*; that is to ſay, at Four Shillings, Proclamation Money, for Three Shillings *Sterling*.

Penalty on Perſons counterfeiting it.

V. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons ſhall counterfeit, alter, or eraſe any of the ſaid publick Bills of Credit of this Province, or ſhall aid or aſſiſt in counterfeiting, altering, or eraſing ſuch Bills, or ſhall utter any of the ſaid Bills, knowing them to be ſo counterfeited, altered, or eraſed, ſuch Perſon or Perſons ſo offending, ſhall, for the firſt Offence, be whipped at the Diſcreſion of the Court before which ſuch Perſon ſhall be convicted, not exceeding Forty Laſhes, and ſtand on the Pilory Two Hours, and have both his Ears nailed thereto, and cut off; and for the Second Offence, be deemed a Felon, without Benefit of Clergy; and ſhall be adjudged and ſuffer accordingly.

Commiſſioners to give Bond.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That each of the Commiſſioners herein before appointed, ſhall, before he enters upon the Execution of his Office, give Bond to his Honour the Preſident, or Commander in Chief for the Time being, for the Uſe of the Public, in the Sum of Five Thouſand Pounds, Proclamation Money, for the due and faithful Execution of his Office, according to the true Intent and Meaning of this Act: Which ſaid Bond ſhall be lodged in the Secretary's Office of this Province; and ſhall alſo take an Oath, for the due and faithful Execution of his Office of Commiſſioner aforeſaid.

VII. *AND*

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Their Reward for emitting and paying out the Money.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners ſhall have and receive, for their ſtamping and paying out the ſaid Bills of Credit, the Sum of Eight Hundred Pounds, Proclamation Money.

Money to be paid the Public Treaſurers.

VIII. *AND be it Enacted, by the Authority aforeſaid*, That as ſoon as the ſaid Commiſſioners ſhall have ſtamped and ſigned the ſeveral Bills to the Amount of Forty Thouſand Pounds, Proclamation Money aforeſaid, they ſhall deliver the ſame (except Twelve Thouſand Pounds, to be paid in Manner as hereafter directed) to the Public Treaſurers, in ſuch Proportion as may be neceſſary to diſcharge the Payments that are to be made for the Purpoſes in this Act mentioned, in the reſpective Diſtricts of the ſaid Treaſurers; which ſaid Treaſurers (on Notice given by the aforeſaid Commiſſioners, of the Day and Place they will deliver the ſaid Bills) ſhall, and they are hereby required and directed, then and there to attend, to receive the ſame in Manner aforeſaid, from the Commiſſioners aforeſaid, and place the ſame in their ſeveral Offices to and for the Uſes, Intents, and Purpoſes in this Act after-mentioned.

Treaſurers Allowance for receiving.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That each of the ſaid Public Treaſurers ſhall have and be allowed One *per Cent.* for his Trouble on all the Public Bills of Credit that he ſhall receive as aforeſaid, and pay in Virtue of this Act, and no more; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Commiſſioners dying, &c. Governor to appoint others.

X. *AND be it further Enacted, by the Authority aforeſaid*, That if any Commiſſioner or Commiſſioners aforeſaid, before the Sum of Forty Thouſand Pounds ſhall be ſtamped and ſigned, ſhall die or depart this Government, that then the Governor or Commander in Chief for the Time being, ſhall, and is hereby authoriſed and impowered, to appoint another Perſon or Perſons in the Room and Stead of ſuch Commiſſioner or Commiſſioners ſo dying or departing this Government; and ſuch Perſon or Perſons ſo appointed, ſhall be veſted with the ſame Power, Benefits and Authority, and be ſubject to the ſame Regulation and Reſtrictions, as the Commiſſioner or Commiſſioners appointed by Virtue of this Act.

Money appropriated.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Sum of Forty Thouſand Pounds, when it ſhall be ſtamped and ſigned, be, and is hereby applied and appropriated for the Uſes, Intents and Purpoſes, herein after mentioned; that is to ſay, The Sum of Twelve Thouſand Pounds for the enliſting, ſubſiſting, and paying the Forces deſigned for the Aſſiſtance of the Colony of *Virginia*, againſt the *French* and *Indians* who have invaded the ſaid Colony at *Ohio*, which ſhall be paid by the ſaid Commiſſioners, by Warrant or Warrants from the Governor or Commander in Chief, to the Colonel or commanding Officer of the Regiment, or his Order; which ſaid Officer ſhall firſt give Bond, with ſufficient Security, in the Sum of Twelve Thouſand Pounds, Proclamation Money, payable to his Majeſty, his Heirs and Succeſſors, for the Uſe of the Public, for the due Application of all ſuch Monies he may or ſhall receive in Virtue of any ſuch Warrant or Warrants, and ſhall alſo account for the ſame in ſuch Manner as all other Public Monies are by Law to be accounted for; which Bond ſhall be lodged in the Secretary's Office; and ſuch Officer ſhall retain One *per Cent.* for receiving and paying the ſaid Money.

12,000 l. to the Forces.

AND

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AND the Sum of Two Thouſand Pounds to the Uſe of Fort *Johnſton*, for ſtrengthening, guarding, watching, and preſerving the ſaid Fort; to be drawn out of the Hands of the Public Treaſurer, by Order or Warrant, under the Hands of the Commiſſioners appointed, or to be appointed according to Law, for building the ſaid Fort, or the major Part of them, in the ſame Manner as they by Law are impowered to do.

2000 l. to Fort *Johnſton*.

AND the Sum of Two Thouſand Pounds for the finiſhing Fort *Granville*, at *Occacock* Inlet, to be paid by the Treaſurer to the Commiſſioners for building the ſaid Fort, by a Warrant from the Governor or Commander in Chief for the Time being; they firſt giving Bond, payable to his Majeſty, his Heirs and Succeſſors, in the Sum of Four Thouſand Pounds, Proclamation Money, for the Uſe of the Public, to apply the ſame for the Uſes by this Act intended, and to account for the ſame with the Public Treaſurer; which ſaid Bond ſhall be lodged in the Secretary's Office.

2000 l. to Fort *Granville*.

AND the Sum of One Thouſand Pounds for the Frontier Counties of *Anſon* and *Rowan*, for purchaſing Arms and Ammunition for the Uſe of the poorer Inhabitants of the ſaid Counties; to be paid by the Public Treaſurer, by Warrant from the Governor or Commander in Chief for the Time being; that is to ſay, Five Hundred Pounds to Mr. *Caleb Howell*, and Mr. *Charles Robinſon*, of *Anſon* County, and Five Hundred Pounds to Mr. *James Carter* and Mr. *John Brandon*, of *Rowan* County, to be by them reſpectively applied for the Uſe by this Act intended, each of them firſt giving Bond, with ſufficient Securities, payable to his Majeſty, his Heirs and Succeſſors, in the Sum of Five Hundred Pounds, Proclamation Money, for the Uſe of the Public, for the faithful Diſcharge of the Truſt hereby repoſed in them; which ſaid Bond ſhall be lodged in the Secretary's Office; and ſhall produce to the Public Treaſurer, a Certificate from the Court of the County reſpectively, that the Securities ſo taken are ſufficient; and ſhall account with the ſaid Treaſurer for the Money aforeſaid, by them ſo recevied. And the Sum of Four Thouſand Two Hundred Pounds, Proclamation Money, for and towards paying the Public Debts of this Province.

1000 l. to the Counties of *Anſon* and *Rowan*.

4,200 l. for Public Debts.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the Sum of Eighteen Thouſand Pounds, Remainder of the Forty Thouſand Pounds of the Bills of Credit to be ſtamped and ſigned by Virtue of this Act, ſhall be applied to and for the following Uſes, Intents and Purpoſe; that is to ſay, The Sum of Six Thouſand Pounds, for the founding and endowing a Public School, in ſuch Manner, and under ſuch Regulations as the Governor or Commander in Chief for the Time being, the Council, and General Aſſembly, ſhall order, direct and appoint. The Sum of Seven Thouſand Two Hundred Pounds to the Uſe of the Twenty-four Pariſhes now erected, out of which ſaid Sum, Three Hundred Pounds ſhall be paid into the Hands of the Churchwardens and Veſty of every reſpective Pariſh in this Government; to be by them applied towards building or finiſhing a Pariſh Church, purchaſing Land and Stock for a Glebe, and building a Parſonage-Houſe within their ſeveral and reſpective Pariſhes; to be paid by the Treaſurers to the Churchwardens of each and every Pariſh, by Order of the ſeveral and reſpective Veſtries; to be by them applied to the Uſes and Purpoſes by this Act intended, and no other. And the Sum of Two Thouſand Pounds, for and towards finiſhing the Public Buildings in this Province; to be applied by the Commiſſioners already

18000 l. applied.

6000 l. for a public School.

7200 l. to the Uſe of the Pariſhes.

2000 l. to the Public Buildings.

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appointed, whereof the preſent Treaſurer of the *Southern* Diſtrict is one, towards compleating and finiſhing the ſaid Buildings, and ſhall, by the ſaid Commiſſioners, be accounted for, from Time to Time, with the General Aſſembly. And the Sum of Two Thouſand Eight Hundred Pounds, for and towards defraying the contingent Charges of this Government.

2800 l. for Contingencies of Government.

Suſpending Clauſe

XIII. *PROVIDED always, and it is hereby Enacted and Declared*, That the ſaid remaining Public Bills of Credit, to the Amount of Eighteen Thouſand Pounds, ſhall not be iſſued or paid by the ſaid Treaſurers, or any other Perſon or Perſons whatſoever, for and towards the Purpoſes herein before mentioned, or to any other Purpoſe whatſoever, until his Majeſty's Royal Approbation or Conſent ſhall be ſignified to the Governor or Commander in Chief of this Province for the Time being; any Thing in this Act to the contrary notwithſtanding.

Tax laid for ſinking the Money.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That the Tax of One Shilling, Proclamation Money, for ſinking the preſent Currency, ſhall continue to be annually levied on every taxable Perſon within this Province, and be collected by the Sheriff of every reſpective County, and ſhall be paid in Gold, Silver, or Bills of Credit, on or before the Firſt Day of *March*, Yearly; and that all Perſons neglecting to pay the ſaid Tax at the Time by Law limited, ſhall be liable to ſuch Diſtreſs to be made by the Sheriff, as for Non-payment of other Taxes; and the ſaid Sheriff of each and every County, on or before the Tenth Day of *June*, Yearly, ſhall return a Liſt of Taxables, and alſo account upon Oath, and pay into the Hands of the Public Treaſurer of the reſpective Diſtrict, all ſuch Sums of Money as he ſhall have received in Virtue of this Act, under the Penalty of Two Hundred Pounds, Proclamation Money, for every Default; and every ſuch Sheriff and his Securities ſhall be further liable to a Suit or Suits, and Recovery, on the Security Bond given for the Performance of his Office.

Duty of 4 d. per Gallon laid on Liquors.

XV. AND for the more ſpeedy and effectual calling in and ſinking the Bills of Credit to be emitted by Virtue of this Act, *Be it Enacted, by the Authority aforeſaid*, That from and after the Expiration of the Act for licenſing Traders, Pedlars, and petty Chapmen, and granting to his Majeſty an Impoſt on Goods, Wares, and Merchandize, to raiſe Supplies for the neceſſary Charges of Government, there ſhall be paid for every Gallon of Wine, Rum, or other diſtilled Liquors, imported or brought into this Privince, either by Land or Water, from any Port or Place whatſoever, (*Great-Britain* excepted,) the Duty of Four Pence *per* Gallon, Proclamation Money.

Importer to make Report in Forty Eight Hours.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That the Maſter of every Veſſel hereafter importing Liquors liable to a Duty, by Virtue of this or the before-recited Act, to any Port or Place within this Province, ſhall, within Forty-eight Hours after his Arrival, make a true and juſt Report, upon Oath, to the Receiver of the Duty on ſuch Liquors, of the Quantity of Liquor, with the particular Marks and Numbers of every Caſk or Package containing the ſame, and to whom conſigned, to the beſt of his Knowledge, under the Penalty of forfeiting One Hundred Pounds, Proclamation Money.

XVII. *AND*

XVII. *AND be it further Enacted*, That from and after the paſſing of this Act, no Wine, Rum, or other diſtilled Liquor ſhall be landed or put on Shore or any other Way delivered out of the Veſſel importing the ſame, before due Entry made thereof, upon Oath, by the Importer, Owner, or Factor, with the Receiver appointed by this or the before-mentioned Act, for receiving the Duty in the Place or Port where the ſame ſhall be imported, or before the ſaid Duty ſhall be fully ſatisfied and paid, or ſecured to be paid, in Manner as hereafter directed, and a Permit had under the Hand of the Receiver for the Landing or Delivery thereof; and all Liquors landed or put on Shore contrary to the Direction, and true Intent and Meaning of this Act ſhall be forfeited, or the Value thereof.

Not to be landed till Entry made, on Oath, and Duty paid.

XVIII. *AND be it further Enacted*, That any Perſon or Perſons bringing any Wine, Rum, or other diſtilled Liquors into this Province by Land, ſhall, within Forty-eight Hours after he hath lodged or houſed the ſame, make a due Report, on Oath, of the Quantity thereof, to the Receiver of the reſpective Ports or Places, appointed by Virtue of this or the before-mentioned Act, and pay the Duty impoſed, or give Bond with good Security to our Sovereign Lord the King, his Heirs, and Succeſſors, for the Uſe of the Public, for Payment thereof within Six Months, and obtain a Permit under the Hand of the ſaid Receiver, for ſelling or uſing the ſame; and on Default thereof all ſuch Liquors, or the Value thereof, ſhall be forfeited.

Liquors imported by Land, how to be entered, and Duty how to be paid.

XIX. *AND be it further Enacted*, That if any Perſon or Perſons whatſoever, ſhall wittingly or willingly make a falſe Entry of any of the Liquors before-mentioned, and be thereof lawfully convicted, ſuch Perſon or Perſons ſhall forfeit and pay One Hundred Pounds, Proclamation Money.

Penalty for making falſe Entry.

XX. *AND be it further Enacted*, That if any Receiver appointed by this or the before-mentioned Act to receive the Duty aforeſaid, or any other Perſon or Perſons for him, ſhall take or receive, directly or indirectly, any Bribe, Recompence, or Reward whatſoever, for conniving at any falſe Entry of Wine, Rum, or other diſtilled Liquors, that ſhall be imported into this Province either by Land or Water, whereby the Public may be defrauded, ſuch Perſon ſhall forfeit and pay the Sum of One Hundred Pounds, Proclamation Money; and the Perſon or Perſons giving or paying any ſuch Bribe, Recompence, or Reward, ſhall forfeit and pay the Sum of One Hundred Pounds, like Money.

Penalty on Receivers taking Bribes.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That the Receiver or Receivers of the aforeſaid Duty, or any Perſon by him, them, or any of them appointed, ſhall have full Power and Authority to enter on board any Veſſel, provided ſhe hath been in Port Six Days, and bring on Shore ſo much of the Liquors reported or entered, and liable to pay the Duty aforeſaid, as ſhall be ſufficient to pay the Duty on ſuch Liquors ſo reported, and the ſame to ſell at public Vendue to the higheſt Bidder; and after the Duty aforeſaid ſhall be paid, and the Charges of bringing ſuch Liquors on Shore, and Vendue thereof defrayed, the Surplus (if any) ſhall be paid to the Perſon from whom the ſaid Liquors were taken.

Receivers Power to ſecure the Duty.

XXII. *AND be it further Enacted*, That upon Information made on Oath, or voilent Suſpicion, it ſhall and may be lawful for any of the Receivers of the ſaid Duty

Their Power to ſearch for ſecreted Liquors.

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ty upon Liquors, by a Warrant under the Hand of a Juſtice of the Peace, and accompanied with a Conſtable, to open any Houſe, Warehouſe, or Store, in the Day time, and ſearch for, ſeize, and carry away any Liquors liable to the Duty aforeſaid, and for which the ſaid Duty hath not been paid, or ſecured to be paid in Manner aforeſaid: And in all Caſes where any Diſpute ſhall ariſe on any Seizure, being made by Virtue of this Act for Nonpayment of the Duty aforeſaid, the *Onus Probandi* ſhall lie on the Owner or Claimer of ſuch Liquors.

Officer ſued, may plead General Iſſue.

XXIII. AND if any Receiver or Conſtable, or their Aſſiſtants, ſhall be moleſted or ſued for any Thing done in executing the Powers hereby given them, ſuch Receiver, Conſtable, or Aſſiſtant, may plead the General Iſſue and give this Act in Evidence; and if in any ſuch Suit the Plaintiff be Non-ſuit, or Judgment paſs againſt him, the Defendant ſhall recover double Coſts.

Manner of obtaining Certificate for Liquors tranſported from one Diſtrict to another.

XXIV. *AND be it further Enacted, by the Authority aforeſaid*, That where any Perſon is deſirous of tranſporting any Liquors that are liable to the Duty aforeſaid from one Diſtrict to another, and for which the Duty hath been paid or ſecured to be paid, he ſhall apply to the Receiver of the Duty on Liquors for a Certificate, which Certificate ſuch Receiver is hereby authoriſed, impowered, and required to give, ſetting forth the Number of Caſks, the Marks, and the Contents thereof, and that the Duties thereof have been paid or ſecured to be paid, on producing of which to the Receiver of the Duty of ſuch Diſtrict to which the ſame ſhall be tranſported, and making Oath that the Liquors by him tranſported are *bona fide* the ſame for which ſuch Certificate was obtained, no farther Duty ſhall be demanded; and all Liquors liable to the Duty aforeſaid, brought into any Diſtrict without ſuch Certificate either by Land or Water, ſhall be deemed not to have paid the Duty, and ſuch Liquor or the Value thereof ſhall be forfeited.

Penalty on Collector for clearing Veſſels without Certificate.

XXV. *AND be it further Enacted*, That no Collector of any of the Ports in this Province ſhall, from and after the paſſing this Act, clear out any Veſſel, importing any of the aforeſaid Liquors, before the Maſter ſhall produce a Certificate, ſigned by ſome one of the Receivers appointed by Virtue of this or the before mentioned Act, that he hath paid or ſecured to be paid the Duty aforeſaid, under the Penalty of Fifty Pounds, Proclamation Money.

Collectors of the Duty appointed in the ſeveral Ports.

XXVI. *AND be it further Enacted*, That Mr. *Jeremiah Vail*, ſhall be, and he is hereby appointed Receiver of the Duty ariſing in Virtue of this Act, on all the Wine, Rum, and diſtilled Liquors imported into *Neuſe* River; and Mr. *John Spooner*, ſhall be, and he is hereby appointed Receiver of the Duty on all the Wine, Rum, and diſtilled Liquors, imported into any of the Inlets in *Onſlow* County; and that the ſeveral Collectors of his Majeſty's Cuſtoms for the Time being, ſhall be, and they hereby appointed Receivers of the ſaid Duty, on all the Wine, Rum, and diſtilled Liquors, that ſhall be imported by Water at every other Place within their ſeveral and reſpective Ports: And that the Commander in Chief for the Time being, by and with the Advice and Conſent of his Majeſty's Council, ſhall be, and is hereby impowered, to nominate and appoint ſuch and ſo many Receivers of the Duty on Liquors brought into this Province by Land, as ſhall be neceſſary: And if any of the aforeſaid Receivers appointed, or to be appointed by Virue of this

this Act, ſhall die, remove, or refuſe to act, or neglect their Duty, the Commander in Chief for the Time being, by and with the Advice and Conſent of his Majeſty's Council, ſhall appoint others in their Stead and Place.

Collectors to give Bond.

XXVII. *AND be it further Enacted*, That every Receiver of the Duty on Liquors, ſhall, before he enters on the Execution of his Office, give Bond, with ſufficient Security, to our Sovereign Lord the King, his Heirs and Succeſſors, in the Sum of Five Hundred Pounds, Proclamation Money, for the Uſe of the Public; with Condition, that he will honeſtly, faithfully, and juſtly execute the Office of Receiver of the Impoſt or Duty aforeſaid, and will fully account for and pay all ſuch Sum or Sums of Money by him to be received and accounted for; which Bond ſo given, ſhall be lodged in the Secretary's Office.

To account with the public Treaſurers.

XXVIII. *AND be it further Enacted*, That the ſeveral and reſpective Receivers, appointed by Virtue of this, or the before-mentioned Act, ſhall, annually, account, upon Oath, with the Public Treaſurers of this Province, in their ſeveral and reſpective Diſtricts; and for their receiving the aforeſaid Duty, and fully accounting for, and payidg the ſame to the Treaſurers aforeſaid, they ſhall be allowed Five *per Cent.*

Duty appropriated.

XXIX. *AND be it further Enacted*, That all the Money ariſing by the Duty impoſed by this Act, ſhall be paid to the Public Treaſurers, and ſhall be by them accounted for and paid (their Commiſſions deducted) to the General Aſſembly, and ſhall be applied and appropriated for and towards ſinking the Public Bills of Credit to be emitted by Virtue of this Act, and to no other Uſe or Purpoſe whatſoever; and, together with the before-mentioned Tax of One Shilling, *per* Poll, ſhall continue to be collected and paid, until the preſent Bills of Credit, and the Bills of Credit now to be emitted in Virtue of this Act, ſhall be all called in, ſunk, and deſtroyed.

Fines and Forfeitures applied.

XXX. *AND be it further Enacted*, That the ſeveral Fines and Forfeitures in this Act mentioned, ſhall be applied, one Half to his Majeſty, for and towards the contingent Charges of Government, and the other Half to him who will inform and ſue for the ſame; to be recovered by Action of Debt, Bill, Plaint, or Information, in the General Court of this Province; wherein no Eſſoign, Injunction, Protection, or Wager of Law, ſhall be allowed or admittted of.

CHAP II.

An Act, for the further and better Regulation of the Town called Wilmington, *and for repealing the ſeveral Acts therein mentioned.* REP.

CHAP. III.

An Act, for appointing Commiſſioners of the Roads for the South-Weſt *Diſtrict of* New-Hanover *County.*

Provided for by Road Act

Private.

I. WHEREAS ſeveral of the Commiſſioners appointed for the ſaid Diſtrict by an Act, intituled, *An Act, for impowering the ſeveral Commiſſioners herein*

A. D. 1754. *herein after named, to make, mend, and repair, all Roads, Bridges, Cuts, and Water-Courſes, already laid out, or hereafter to be laid out, in the ſeveral Counties and Diſtricts herein appointed, in ſuch Manner as they judge moſt uſeful to the Public*, are ſince dead, or removed out of the Diſtrict, and great Diſputes have ariſen in the appointing others to act in the Stead of thoſe deceaſed or removed, ſo that at preſent the Roads and Bridges are greatly out of Repair, whereby Travellers meet with many Delays and Obſtructions: For Remedy whereof,

II. WE pray that it may be Enacted, *And be it Enacted, by the Honourable* Matthew Rowan, *Eſq; Preſident, and Commander in Chief, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame*, That *John Davis*, Sen. *George Moore*, *William Dry*, *William Moore*, *Richard Eagles*, *James Haſell*, Jun. and *Schenckingh Moore*, Eſqrs. be Commiſſioners of the ſaid *South-Weſt* Diſtrict of *New-Hanover* County; which ſaid Commiſſioners ſhall be inveſted with the ſame Powers and Authority, and ſhall enjoy all Rights and Privileges, and be ſubject to the ſame Rules and Penalties, as any Commiſſioners may or ought to be by Virtue of the before recited Act.

CHAP. IV.

An additional Act to an Act, intituled, An Act, for impowering the ſeveral Commiſſioners herein after named, to make, mend, and repair, all Roads, Bridges, Cuts, and Water-Courſes, already laid out, or hereafter to be laid out, in the ſeveral Counties and Diſtricts herein after appointed, in ſuch Manner as they judge moſt uſeful to the Public.

Private.

Provided for by Road Act.

I. WHEREAS in and by the ſaid Act, it is, among other Things, Enacted, That Mr. *Edward Hyrne*, Mr. *John Swann*, Mr. *Jeremiah Vail*, Mr. *John Aſhe*, and Mr. *James Porteveint*, be Commiſſioners of the Roads for the *North-Eaſt* Branch of *Cape-Fear* River, as far up as *Burgaw* Creek, and ſo over to *Black* River, and the *North-Weſt* River, including the Whole Neck between the ſaid Rivers: And whereas the Extent of the ſaid Diſtrict, as laid out by the ſaid Act, renders it very inconvenient for many of the ſaid Commiſſioners to act therein:

II. *BE it therefore Enacted, by the Honourable* Matthew Rowan, *Eſq; Preſident, and Commander in Chief, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame*, That the ſaid Diſtrict be divided as follows; Beginning at the Widdow *Moore*'s Creek, where it empties itſelf into *Black-River*, and ſo following the Main Waters of the ſaid Creek to the Head thereof; and from thence to the Line of *Duplin* County; and thence along to the Bounds of *Bladen* County; and thence down to the firſt Station; which ſaid Diſtrict, as hereby laid off and divided, ſhall be a ſeparate Diſtrict; and *Samuel Lewis*, *John Squires*, *Hezekiah Done*, *Allen Sloan*, and *David Heneſy*, be, and are hereby appointed Commiſſioners of the ſaid Diſtrict; and ſhall be, and they are hereby inveſted with the ſame Power and Authority, and under the like Penalties and Regulations, as the ſaid other Commiſſioners, in the ſaid recited Act, in

in as full and ample Manner, to all Intents and Purpoſes, as if the Diviſion and Appointment hereby made, had been actually inſerted in the ſaid recited Act, at the Time of making thereof. A. D. 1754.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners in the ſaid recited Act named, and every of them, are hereby diſcharged from any Duty or Charge ariſing, or to ariſe, on any Part of the ſaid Diſtrict hereby laid off.

CHAP. V.

An Act, for granting unto the Town of Brunſwick, *the Privilege of chuſing and ſending a Repreſentative to the General Aſſembly.* REP.

CHAP. VI.

An Act, to impower the Juſtices of Craven *County, to ſell the Lot of Land in* Newbern, *whereon the Court-houſe, Priſon and Stocks, now are.*

Provided for by Act paſſed *April* 1761. Ch. VIII.

CHAP. VII.

An Act, to continue an Act, intituled, An Act, to appoint an Agent to ſollicit the Affairs of this Province, at the ſeveral boards in *England*; *alſo an Act, intituled,* An Act, to encourage *James Davis* to ſet up, and carry on his Buſineſs of a Printer in this Province, and for other Purpoſes therein mentioned; *alſo an Act, intituled,* An Act, to appoint Inſpectors in *New-Hanover* County, and for regulating the Exports at *Cape-Fear*; *and alſo one other Act, intituled,* An Act, for the better regulating the Militia of this Province. EXP.

CHAP. VIII.

An Act, for erecting the upper Part of Bladen *County into a County and Pariſh, by the Name of* Cumberland *County, and St.* David's *Pariſh.* Rep.

CHAP.

A. D. 1754.

CHAP. IX.

An Act, to appoint and lay out a Town on the Plantation of Mr. Henry Skibbow, *on the* East *Side of the* North-East *Branch of* Cape-Fear *River, at a Place called the* Sand-Hill, *and to appoint an Inſpector in the ſaid Town, and other Purpoſes therein mentioned.*

Private. I. WHEREAS the Inhabitants of *New-Hanover*, *Onſlow*, and *Duplin* Counties, have petitioned for an Act to appoint a Town on the Plantation of *Henry Skibbow*, on the *Eaſt* Side of the *North-Eaſt* Branch of *Cape-Fear* River, in *New-Hanover* County, at a Place called the *Sand-hill*, and to appoint an Inſpector for the ſaid Town:

II. We therefore pray that it may be Enacted, *And be it Enacted, by the Honourable* Matthew Rowan, *Eſq; Preſident, and Commander in Chief, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authotity of the ſame*, That as ſoon as the Proprietor of the ſaid Land ſhall acknowledge his Conſent and Concurrence in open Court of the ſaid County, to have ſuch Part of his Land laid out for a Town as herein after is directed, *Alexander Lillington*, *Samuel Aſhe*, *Thomas Merrick*, *John Gardner*, and *Henry Skibbow*, are hereby nominated and appointed Commiſſioners; and they, or the Majority of them, are hereby inveſted with full Power and Authority, to lay out Forty Acres of Land on the ſaid Plantation for a Town, by the Name of *New-Exeter*, and to lay out the ſaid Forty Acres into Lots of half an Acre each, with convenient Streets and Squares, for a Church, Church-yard, and Market-place.

III. *AND be it further Enacted*, That every Perſon whatſoever who ſhall be willing to be an Inhabitant of the ſaid Town, ſhall have Liberty to take any Lot or Lots ſo to be laid out as aforeſaid, and not before taken up; which Lot or Lots the ſaid Commiſſioners, or any Two of them, are hereby directed and impowered to grant, convey, and acknowledge, to the Perſon or Perſons ſo taking up the ſame, and to his or their Heirs and Aſſigns for ever, in Fee-ſimple, upon the Payment of Forty Shillings, Proclamation Money.

IV. *AND be it further Enacted*, That if any of the above Commiſſioners ſhall refuſe to act, or die, or remove out of this Province, that then the remaining Commiſſioners, or the Majority of them, ſhall elect and chuſe another Perſon or Perſons Commiſſioner or Commiſſioners aforeſaid, in the Room and Stead of ſuch Perſon or Perſons ſo refuſing to act, or that ſhall die or remove as aforeſaid; and ſuch Commiſſioner or Commiſſioners ſo elected and choſen, are hereby veſted with the ſame Powers and Authorities, and ſubject to the like Rules and Regulations, as the Commiſſioners appointed in Virtue of this Act.

V. *AND be it Enacted, by the Authority aforeſaid*, That *John Gardner* is hereby appointed Treaſurer and Receiver of all ſuch Sum or Sums of Money as ſhall ariſe by the Sale of ſuch Lots, for the Uſe herein after mentioned; and on the Death or Departure out of this Government of the ſaid Treaſurer, the ſaid Commiſſioners, or the

the major Part of them, ſhall appoint ſome other Perſon Treaſurer, in the Place of the ſaid Treaſurer ſo dying or departing the Government. A D. 1754.

VI. *AND be it Enacted, by the Authority aforeſaid*, That the Treaſurer aforeſaid, and every Treaſurer that ſhall, or may be hereafter appointed by the Commiſſioners aforeſaid, ſhall give Security to the County Court, that he ſhall and will account with and pay in all the Monies he ſhall receive for the Sale of all and every the Lot or Lots that ſhall be ſold, Yearly, on the Twenty-fifth Day of *March*, to *Henry Skibbow*, or the Proprietor of the ſaid Lands.

VII. *PROVIDED always*, That if any Lot or Lots ſhall be granted or conveyed by the ſaid Commiſſioners to any Perſon or Perſons whatſoever, who ſhall not, within Two Years, build a good ſubſtantial habitable framed or Brick Houſe, of not leſs Dimenſions than Twenty Feet in Length, and Sixteen Feet wide, beſides Sheds or Lentos, or make Preparations for ſo doing, as the Commiſſioners, or the Majority of them, ſhall think reaſonable, ſuch Grant or Conveyance ſhall be void, and it is hereby declared void and of none Effect, as if the ſame had never been made; and the Commiſſioners may grant or convey ſuch Lot or Lots as is herein before directed, to any other Perſon or Perſons applying for the ſame, and paying the Money for the ſaid Lot, as in this Act is before directed, for the Uſe of the ſaid *Henry Skibbow*, his Heirs and Aſſigns.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners, or the Majority of them, ſhall be, and they are hereby impowered and authorized, to order the Removal of all Nuſances within the Limits of the ſaid Town.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon, Inhabitant of the ſaid Town, or holding a Lot or Lots therein, ſhall incloſe the ſame, or keep the ſame incloſed under a common Stake Fence; but every Lot therein ſhall be paled or incloſed with Poſts and Rails ſet up.

X. *AND be it further Enacted, by the Authority aforeſaid*, That all Perſons, Poſſeſſors or Owners of any Lot or Lots in the ſaid Town, ſhall, within Two Years from the Date of their Grant or Conveyance, clear, and keep conſtantly clear, their Lot or Lots, from all Manner of Wood, Underwood, Bruſh, and Grubs, under the Penalty of Two Shillings, Proclamation Money, for every Month ſuch Owner or Owners of any Lot or Lots ſhall neglect to clear, or keep the ſame clear; to be recovered by a Warrant from any Juſtice of the Peace, and applied by the ſaid Commiſſioners for and towards clearing the Streets in the ſaid Town. *

CHAP. X.

An Act, to alter the Times for holding the Courts of Orange, Rowan, *and* Bladen *Counties.*

Provided for by the Inferior Court Act, paſſed Dec. 1762. Ch. II.

* The Remainder of this Act, relating to Inſpectors, repealed.

A. D. 1754.

CHAP. XI.

An Act, to amend an Act, intituled, An Act, to appoint a convenient Place for holding the County Court of *Duplin*, and to impower the Commiſſioners therein named, to build a Court-houſe, Priſon, and Stocks, in the ſaid County, and for enlarging the Bounds thereof.

Private.

I. WHEREAS in and by the before recited Act, Mr. *George Mears*, Mr. *William Houſton*, and Mr. *Joſeph Williams*, were appointed Commiſſioners for erecting and building a Court-houſe, Priſon and Stocks, in the ſaid County; and alſo to contract and agree with Workmen to build the ſame, of ſuch Dimenſions as ſhall be agreed on by the County Court: And whereas the building the ſaid Court-houſe, Priſon and Stocks, is retarded, and wholly ſtopped, by Reaſon the ſaid Act doth not impower the ſaid *George Mears*, *William Houſton*, and *Joſeph Williams*, or the Majority of them, to build the ſaid Court-houſe, Priſon and Stocks, in the ſaid County:

II. We therefore pray that it may be Enacted, *And be it Enacted, by the Honourable* Matthew Rowan, *Eſq*; *Preſident, and Commander in Chief, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame*, That the ſaid Mr. *George Mears*, Mr. *William Houſton*, and Mr. *Joſeph Williams*, or any Two of them, are hereby impowered to build a Court-houſe, Priſon and Stocks, in the ſaid County of *Duplin*, and alſo to contract and agree with Workmen to build the ſame, of ſuch Dimenſions as is or ſhall be agreed on by the Court of the ſaid County.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Court of the County of *Duplin*, ſhall appoint three Perſons, Freeholders in the ſaid County, who, on their Oaths, ſhall value the Lands fixed on by Mr. *Arthur Blackman*, Mr. *Anthony Williams*, Mr. *William M'Gee*, Mr. *John Brock*, and Mr. *William Mills*, or the Majority of them, for building the Court-houſe, Priſon and Stocks, in the ſaid County, and an Account of ſuch Valuation ſhall return to the next County Court thereafter to be held for the ſaid County; and the Amount of ſuch Valuation the ſaid County Court ſhall pay to the Proprietor or Owner of the ſaid Land, out of the Tax to be raiſed in Virtue of an Act, intituled, *An Act, for erecting the upper Part of* New-Hanover *County into a County and Pariſh, by the Name of* Duplin *County, and St.* Gabriel's *Pariſh, and for appointing a Place for building a Court-houſe, Priſon and Stocks, in the ſaid County*; which ſaid Valuation and Payment of the ſame to the ſaid Proprietor or Owner, entered on the Records of the ſaid County, ſhall be a good and ſufficient Title to the ſaid County, for the ſaid Land ſo valued, paid for, and recorded.

CHAP.

A. D. 1754.

CHAP. XII.

An Act, to appoint a convenient Place for holding the County Court of Orange, *and to impower the Commiſſioners hereafter named, to build a Court-houſe, Priſon and Stocks, in the ſaid County.*

Private.

I. WHEREAS by an Act, intituled, *An Act, for dividing Part of* Granville, Johnſton, *and* Bladen *Counties, into a County and Pariſh, by the Name of* Orange *County, and the Pariſh of St.* Matthew, *and for appointing Veſtrymen for the ſaid Pariſh, and other Purpoſes therein mentioned*; among other Things, it was Enacted, That the Juſtices of the ſaid Court, at the Court to be held for the ſaid County at the Houſe of *John Gray*, on the Second *Tueſday* in *June* next after paſſing the ſaid Act, or the then next ſucceeding Court, ſhould agree on and appoint a Place for building a Court houſe, Priſon, and Stocks, in the ſaid County; which ſaid Juſtices being then unacquainted with the Bounds of the ſaid County, did, by Order of the ſaid Court, appoint a Place whereon to build a Court-houſe, Priſon, and Stocks; which ſaid Place, upon Examination, is found to be within Fifteen Miles of the *Weſt* Line of the ſaid County, to the great Inconveniency and Detriment of the Inhabitants of the ſaid County attending the ſaid Court: Wherefore,

II. We pray that it may be Enacted, *And be it Enacted, by the Honourable* Matthew Rowan, *Eſq*; *Preſident, and Commander in Chief, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame*, That the Court-houſe, Priſon and Stocks, for the ſaid County of *Orange*, ſhall be erected on or near where the *Weſtern* Path croſſes the River *Eno*, on a Piece of Land where *James Watſon* now lives.

III. *AND be it further Enacted, by the Authority aforeſaid*, That Mr. *Alexander Mybain*, Mr. *John Gray*, Mr. *John Paterſon*, Mr. *James Elliſon*, and Mr. *Marmaduke Kimbrough*, or the Majority of them, be, and they are hereby appointed Commiſſioners, to make Choice of a ſuitable and convenient Place at or near the ſaid Path, where it croſſes *Eno* River, for the erecting and building thereon a Court-houſe, Priſon and Stocks; and alſo to contract and agree with Workmen to build the ſame of ſuch Dimenſions as to them ſhall ſeem meet and convenient.

IV. AND for defraying the Expence thereof, *Be it Enacted, by the Authority aforeſaid*, That the Tax laid by the before recited Act, ſhall be applied towards building the Court-houſe, Priſon and Stocks, at the Place in this Act before mentioned.

V. *PROVIDED always*, That nothing in this Act ſhall be conſtrued to make void any Contract or Agreement, entered into by the Juſtices of the ſaid County, with any Perſon or Perſons for the building the Court-houſe, Priſon and Stocks, at the Place appointed by the Juſtices of the ſaid County, in Virtue of the before recited Act, or to annull, invalidate, or make void any Suit that is, or may be brought thereon.

VI. *AND*

A. D. 1754. VI. *AND be it Enacted, by the Authority aforeſaid,* That the Clauſe of the before recited Act, ſo far as relates to the appointing a Place for building a Court-houſe, Priſon and Stocks, be, and is hereby repealed and made void to all Intents, Purpoſes, and Conſtructions, as if the ſame had never been made.

CHAP. XIII.

An Act, for appointing and laying out a Town on the Land of John Jenkins, *on the* South-Side *of* Peedee *River, in* Anſon *County; and for other Purpoſes therein mentioned.*

Private. I. WHEREAS the Inhabitants of *Anſon* County labour under great Diſadvantages for Want of Trade, by being ſo inconvenient to, and diſtant from any of the navigable Rivers of this Province, only *Peedee*, and that diſchargeth itſelf into *South-Carolina*, which renders it very impracticable for them to diſpoſe of any Thing that ariſeth from the Produce of the Soil, either to pay their public or private Debts, in this Province: For Remedy whereof,

II. WE pray that it may be Enacted, *And be it Enacted, by the Honourable* Matthew Rowan, *Eſq; Preſident, and Commander in Chief, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame,* That as ſoon as the Proprietor of the ſaid Land ſhall acknowledge his Conſent and Concurrence in open Court of the ſaid County, to have ſuch Part of his ſaid Land laid out for a Town, as is herein after directed, Mr. *Charles Robinſon*, Mr. *Caleb Howell*, Mr. *Thomas Tomkins*, Mr. *William Forbes*, and Mr. *Edmund Cartledge*, are hereby nominated and appointed Commiſſioners; and they, or the Majority of them, are hereby inveſted with full Power and Authority, to lay out Fifty Acres of Land on the ſaid Plantation for a Town, by the Name of *Glouceſter*, and to lay out the ſame Fifty Acres into Lots of half an Acre each, with convenient Streets and Squares, for a Church, Church-yard, and Market-place.

III. *AND be it further Enacted, by the Authority aforeſaid,* That when the Commiſſioners, or the Majority of them, have laid out the ſaid Town as aforeſaid, every Perſon whatſoever who is willing to be an Inhabitant of the ſaid Town, ſhall have Liberty to take up any Lot or Lots ſo laid out as aforeſaid, and not before taken up; which Lot or Lots the ſaid Commiſſioners, or the Majority of them, are hereby impowered to grant, convey and acknowledge, to the Perſon or Perſons taking up the ſame, his or their Heirs and Aſſigns for ever, in Fee-ſimple, upon the Payment of Forty Shillings Proclamation Money, to the Treaſurer hereafter mentioned.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That *Thomas Tomkins* be, and is hereby appointed Treaſurer and Receiver of all ſuch Sum or Sums of Money, as ſhall ariſe by the Sale of the ſaid Lots, for the Uſe hereafter mentioned; and on the Death or Departure out of this Government of the ſaid Treaſurer, the ſaid Commiſſioners, or the Majority of them, ſhall appoint ſome other Perſon Treaſurer, in the Place and Stead of the ſaid Treaſurer ſo dying or removing.

V. *AND*

V. *AND be it further Enacted, by the Authoriry aforeſaid*, That the Treaſurer that is now, or may hereafter be appointed by the Commiſſioners as aforeſaid, ſhall give Security to the County Court, in the Sum of One Hundred Pounds, that he will and ſhall account with, and pay all the Monies he ſhall receive for the Sale of the ſaid Lots, that ſhall be ſold, Yearly on the firſt Day of *May*, to the Proprietor of the ſaid Town.

VI. *PROVIDED always*, That if any Lot or Lots ſhall be granted or conveyed by the ſaid Commiſſioners to any Perſon or Perſons whatſoever, who ſhall not, within Two Years, build a good ſubſtantial, habitable, framed, Brick, or Stone Houſe, of no leſs Dimenſions than Twenty-four Feet in Length, and Sixteen Feet wide, beſides Sheds or Lentoes, or make Preparation for ſo doing, as the Commiſſioners, or the Majoritg of them, ſhall, on View, think reaſonable, ſuch Grant or Conveyance ſhall be void and of none Effect, as if the ſame had never been made: And the Commiſſioners, or the Majority of them, may grant and convey ſuch Lot or Lots, which ſhall not be built on within the Time, and in the Manner aforeſaid, to any other Perſon or Perſons applying for the ſame, and paying the Purchaſe Money as aforeſaid, to the Uſe of the Proprietor of the ſaid Land.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners, or the Majority of them, ſhall be, and they are hereby impowered to remove all Nuſances within the Limits of the ſaid Town.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That all Perſons, Poſſeſſors or Owners of any Lot or Lots in the ſaid Town, ſhall, within Two Years from the Date of his or her Grant or Conveyance, clear, and keep conſtantly clear, his or her Lot or Lots, from all Manner of Wood, Underwood, Bruſh, and Grubs, under the Penalty of One Shilling, Proclamation Money, for every Month ſuch Owner or Owners of any Lot or Lots ſhall neglect the ſame; to be recovered by a Warrant from any Juſtice of the Peace of the County, and applied by the Commiſſioners, for and towards clearing the Streets of the ſaid Town. *

SIGNED by,

MATTHEW ROWAN, Eſq; Preſident.

JAMES MURRAY, Preſident of the Council.

SAMUEL SWANN, Speaker.

* The remaining Clauſes of this Act, relating to building a Warehouſe in the ſaid Town, and appointing an Inſpector, are obſolete.

A. D. 1754.

ANNO REGNI GEORGII II, Regis, *Magnæ Britanniæ, Franciæ, & Hiberniæ,* Viceſſimo Octavo.

ARTHUR DOBBS, Eſq; Governor.

At a General ASSEMBLY, begun and held at *Newbern*, on the Twelfth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-four; being the Firſt Seſſion of this Aſſembly.

CHAP I.

Repealed, by Proclamation.

An Act, for eſtabliſhing the Supreme Courts of Juſtice, Oyer *and* Terminer, *and General Goal Delivery of* North-Carolina.

CHAP. II.

Repealed, by Proclamation.

An Act, for eſtabliſhing County Cōurts, for enlarging their Juriſdiction, and ſettling the Proceedings therein.

CHAP. III.

Repealed, by Proclamation.

An Act, to provide indifferent Jurymen in all Cauſes, Criminal and Civil, and for an Allowance for the Attendance of Jurors attending at the Supreme Courts.

CHAP. IV.

Repealed, by Proclamation.

An Act, for appointing Pariſhes and Veſtries, for the Encouragement of an Orthodox Clergy, for the Advancement of the Proteſtant Religion, and for the Direction of the Settlement of Pariſh Accounts.

CHAP

A. D. 1754.

CHAP. V.

An Act, for granting an Aid to his Majeſty, for the Defence of the Frontier of this Province; and other Purpoſes.

This Act, all but the Clauſe relative to the Appointment of Treaſurers, has had its Effect, therefore not printed.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That *Thomas Barker*, Eſq; be, and he is hereby appointed Public Treaſurer, for the Counties of *Currituck*, *Paſquotank*, *Perquimons*, *Chowan*, *Bertie*, *Tyrrel*, *Northampton*, *Edgcomb*, *Granville*, and *Orange:* And that *John Starkey*, Eſq; be, and he is hereby appointed Public Treaſurer of the Counties of *Beaufort*, *Hyde*, *Craven*, *Onſlow*, *Carteret*, *New-Hanover*, *Bladen*, *Anſon*, *Duplin*, *Cumberland*, *Rowan*, and *Johnſton:* And the ſaid Treaſurers are hereby impowered and directed, to receive the Tax herein before laid, and to account for the ſame as is herein before directed; each of which ſaid Treaſurers ſhall, before he ſhall receive any Part of the ſaid Tax, give Bond, in the Sum of Two Thouſand Pounds, to our Sovereign Lord the King, his Heirs and Succeſſors; with Condition, that he will well and faithfully account and pay to the Aſſembly, when required, the Monies he ſhall receive, from Time to Time, by Virtue of this Act, as herein directed; and all ſuch other Sums as he ſhall at any Time hereafter receive, on Account of Taxes laid for ſinking the now current Bills of Credit.

Provided for by Act for appointing Treasurers.

CHAP. VI.

An Act, for ſecuring the Payment of Quit-Rents due to his Majeſty, and Earl Granville, *for quieting the Freeholders in the Poſſeſſion of ther Lands; and for other Purpoſes.*

This Act was paſſed under a ſuſpending Clauſe till the King's Pleaſure was known; and as that is not yet ſignified, 'tis not printed.

CHAP. VII.

An Act, for granting to his Majeſty, a Duty upon the Tonage of Ships and other Veſſels coming into this Province, for the Purpoſes therein mentioned.

See Act paſſed *Septemb.* 1756. Chap. XVI.

I. WHEREAS there is no Proviſion made by the Laws now in Force, for the procuring Powder and Shot, for the Uſe of the Forts and Fortifications, and Defence of this Province:

Expired

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That the Maſter of every Ship or Veſſel which ſhall at any Time after the Firſt Day of *May* next after the paſſing of this Act, be entered in this Province, or any Diſtrict or Port thereunto belonging, in order to unlade the Goods and Merchandize imported in her, or in order to lade and take on board any Goods, Wares, and Merchandize whatſoever, for Exportation out of this Province, ſhall pay, to ſuch Perſon who ſhall be appointed in Manner herein after directed to receive the ſame, in the Port ſuch Ship or Veſſel ſhall enter, for every Ton the ſaid Ship or Veſſel is of Burthen, one Quarter of a Pound of good and new Gunpowder, and one Pound of Shot or Lead. *

Duty of Powder and Shot laid on all Shipping.

IV. *PRO-*

* The IIId. Section of this Act altered by Act paſſed *Sept.* 1756, Chap. XVI.

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Country Owners excepted.

IV. *PROVIDED always*, That no Ship or Veſſel built in this Province, nor no Ship or Veſſel, or Proportion of Ship or Veſſel, owned by any Inhabitant or Inhabitants thereof, ſhall be ſubject to the ſaid Duty, or liable to the Payment thereof; any Thing herein before to the contrary notwithſtanding.

Governor to appoint Receivers.

V. *AND be it further Enacted, by the Authority aforeſaid, and it is hereby Enacted*, That for the collecting and receiving the ſaid Duty, the Governor or Commander in Chief of this Province for the Time being, ſhall be, and is hereby impowered and authoriſed, by and with the Advice of the Council, from Time to Time, and at all Times hereafter, to nominate, conſtitute, and appoint ſuch and ſo many Receivers as ſhall be found neceſſary, for the receiving the ſaid Duty; and to allow them ſuch Salary, not exceeding Ten *per Cent.* as ſhall be thought reaſonable.

Who are to give Bond for the faithful Execution of their Office.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That every Receiver, before he enters upon his Office, ſhall deliver in to the Secretary of this Province, his Bond, with Two good and ſufficient Sureties, to our Sovereign Lord the King, his Heirs and Succeſſors, for the Uſe of this Province, in the Sum of Five Hundred Pounds, Proclamation Money, for the due and faithful Diſcharge of his Duty as Receiver of the Port for which he ſhall be appointed as aforeſaid; and that he will, from Time to Time, as often as required, deliver in to the Governor, Council, and Aſſembly, of this Province, a true Liſt of all the Ships or Veſſels which ſhall enter in the Port of which he is Receiver; with their Burthen of Tons, and a true and perfect Account of the Quantity of Powder and Shot, or Lead, he ſhall receive on Account of the Duty aforeſaid; and on any Suit on ſuch Bond, the Money recovered ſhall be applied to buying Powder and Shot, or Lead, to be placed in the Magazine of the Diſtrict where ſuch Receiver ſhall reſide, for the Uſes intended by this Act.

Receivers to provide Store houſes for ſafe keeping the Stores.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That each Receiver of the aforeſaid Duty, ſhall, and he is hereby authorized and impowered, where there is no Magazine or Store provided by the Public in the Diſtrict whereof he is Receiver, for the ſafe and ſecure keeping of the Powder and Shot, or Lead, which ſhall be by him received in Virtue of this Act, to provide or hire a Store-houſe, as well for the ſafe keeping thereof, as for the ſafe keeping of all Arms, and Warlike Stores and Accoutrements, belonging to the Public within the Port of which he is Receiver; the Charge and Expence whereof ſhall be paid by the Public, in the ſame Manner, and at the ſame Time other Public Claims are paid.

At the Charge of the Public.

No Veſſel to be cleared, till Certificate produced of the Duty paid.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That no Collector of his Majeſty's Cuſtoms within this Province, ſhall clear out any Ship or Veſſel, before the Maſter of ſuch Ship or Veſſel ſhall produce to him a Certificate from the Receiver of the Duty aforeſaid in the Port of which he is Collector, that ſuch Maſter hath fully paid and diſcharged the Duty aforeſaid; under the Penalty of Fifty Pounds, Proclamation Money, for every ſuch Offence; one Half to his Majeſty, his Heirs and Succeſſors, for the Uſe and Purpoſes of this Act, and the other Half to him or them that will ſue for the ſame; and may be recovered by Action of Debt, in any of the Supreme Courts of Juſtice in this Province; wherein no Protection or Injunction ſhall be allowed or admitted of.

IX. *AND*

IX. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall be and continue in Force for and during the Space of Two Years, from the paſſing thereof, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

A. D. 1754. Continuance of the Act.

CHAP. VIII.

An Act, for raiſing a Fund for paying the Salaries of the Chief Juſtice and Attorney-General, and for other Purpoſes.

This Act had its Effect.

CHAP. IX.

An Act, to reſtrain the Exportation of bad and unmerchantable Tobacco, and for preventing Frauds in his Majeſty's Cuſtoms.

See Act paſſed *Sept.* 1756, Ch. VII. *Nov.* 1757, Chap. III. *Ap.* 1758, Chap. V. *Nov.* 1758, Ch. VI. *Nov.* 1759, Ch. XI. *April* 1760, Ch. VIII. *March*, 1761, Ch. XII. *Nov.* 1762, Chap. XXIII.

I. WHEREAS hitherto neglecting to prevent the Exportation of bad and traſh Tobacco, and the many Frauds in deceiving his Majeſty of his Cuſtoms, has brought that Part of the Trade of this Province into great Decay.

Exportation of traſh Tob. prevented.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That for the more effectual preventing the Exportation of traſh, bad, unſound, and unmerchantable Tobacco, all Tobaccos which, from and after the paſſing of this Act, ſhall be exported out of this Province by Sea, ſhall be firſt brought to ſome or one of the Public Warehouſes herein after mentioned, and ſhall be there viewed and inſpected, in Manner as herein after is expreſſed.

No Tob. to be ſhipped, before inſpected at ſome Warehouſe.

III. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon ſhall put on Board or receive into any Ship, Sloop, Boat or Pettiaugua, or other Veſſel, in order to be exported therein, any Tobacco not packed in Hogſheads or Caſks, upon any Pretence whatſoever, nor in any Hogſhead or Caſk, to be in any Ship, Sloop, Boat, or other Veſſel, exported out of this Province by Sea, before the ſame ſhall have been viewed and inſpected, according to the Directions of this Act; but that all Tobacco whatſoever to be received or taken on Board any Ship, Sloop, Boat, or other Veſſel, and to be therein exported, or to be carried and put on Board any other Ship, Sloop, or other Veſſel, for Exportation as aforeſaid, ſhall be received or taken on Board at the ſeveral Warehouſes for that Purpoſe herein after mentioned, or ſome or one of them, and at no other Place or Places whatſoever: And every Maſter, Mate, and Boatſwain, which ſhall arrive in this Province, in order to lade Tobacco, during the Continuance of this Act, ſhall, before the ſaid Ship or Veſſel be permitted to take on Board any Tobacco whatſoever, make Oath, before the Naval-Officer of the Diſtrict wherein ſuch Ship or Veſſel ſhall arrive, (which Oath the ſaid Naval-Officer is hereby impowered and required to adminiſter) that they will not permit any Tobacco whatſoever to be taken on Board their reſpective Ships or Veſſels, except the ſame be packed in Hogſheads or Caſks; ſtamped by ſome Inſpector legally thereto appointed; which Oath they ſhall ſubſcribe, in a Book to be kept by the Naval-Officer for that Purpoſe; and if any

Maſter of Ships, &c. to make Oath, not to receive any Tob. on board before it has been inſpected.

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Maſter ſhall cauſe any Perſon who is not really and *bona fide* Mate or Boatſwain, to come on Shore and take ſuch Oath, he ſhall, for the ſaid Offence, forfeit and pay Twenty Pounds: And if any Maſter or Commander of any Ship or Veſſel ſhall take on board, or ſuffer to be taken on board the Ship or Veſſel whereof he is Maſter, any Tobacco brought from any other Place than ſome or one of the Public Warehouſes herein after mentioned, or any Hogſheads or Caſks of Tobacco, not ſtamped by ſome lawful Inſpector, or ſhall ſuffer to be brought on Board any Tobacco, except in Hogſheads or Caſks, ſtamped as aforeſaid; every ſuch Maſter or Commander ſhall forfeit and pay Twenty Pounds, Proclamation Money, for every Hogſhead or Caſk of Tobacco which ſhall not have been brought from one of the ſaid Public Warehouſes, or which ſhall not be ſtamped as aforeſaid; and moreover, every ſuch Hogſhead or Caſk of Tobacco ſhall be forfeited.

Nor to receive any on board but from the Warehouſe, inſpected, on Pen. of 20 l. for every Hogſhead, &c.

IV. AND forasmuch as the permitting Tobacco in Bulk or Parcels to be waterborne, on Pretence of being carried to Warehouſes eſtabliſhed by this Act, may give great Opportunity to the clandeſtine running the ſame on Board Ships or Veſſels lying at or near the ſaid Warehouſes, whereby the Evil of exporting traſh Tobacco may be ſtill continued; *Be it further Enacted, by the Authority aforeſaid*, That if any Perſon, taking upon himſelf to carry any Tobacco to or from any of the ſaid Warehouſes, in his Sloop, Boat, or other Veſſel, for Hire, ſhall preſume to take on Board any Tobacco whatſover in Bulk or Parcels, ſuch Tobacco ſhall not only be forfeited, and may be ſeized by any Perſon or Perſons whatſoever; but the Maſter or Skipper offending herein, ſhall forfeit and pay Twenty Shillings, for every Hundred Pounds Weight of ſuch Tobacco, and ſo proportionably for a greater or leſſer Quantity: And the Maſter or Commander of any Ship or Veſſel, wherein any Tobacco, in Bulk or Parcels, ſhall be found, ſhall, over and above the Forfeiture thereof, be ſubject and liable to the ſame Penalty; to be recovered, if it does not exceed Forty Shillings, before any Two Juſtices of the Peace of any County near the Place where ſuch Ship, Sloop, Boat, Pettiaugua, or other Veſſel, ſhall lie; and if it exceeds Forty Shillings, in any Court of Record, by Action of Debt, wherein the Plaintiff ſhall recover his Coſts: And if any Sloop, Boat, or other Veſſel, be under the Care or Management of a Servant, who cannot ſatisfy and pay the ſaid Penalty, then ſuch Servant ſhall, upon Complaint thereof made to a Juſtice of the Peace, have and receive, by Order of ſuch Juſtice, Thirty-nine Laſhes, well laid on: And if any Servant ſhall be again truſted with the Care and Management of any Sloop, Boat, or other Veſſel, and ſhall be convicted a Second Time of taking or receiving on board the ſame, any Tobacco in Bulk or Parcels, contrary to the Directions of this Act, the Owner of ſuch Servant ſhall forfeit and pay like the Sum of Twenty Shillings, for every Hundred Pounds Weight of ſuch Tobacco; and ſhall alſo forfeit and pay Five Shillings, for every Day ſuch Servant ſhall thereafter be imployed as Skipper or Maſter of any Sloop, Boat, or other Veſſel, to him belonging; to be recovered and applied as aforeſaid.

Clandeſtine running of Tobacco on board Ships, &c. prevented.

V. *PROVIDED always*, That nothing herein before contained, ſhall be conſtrued to prohibit any Perſon from carrying, or cauſing to be carried, to the ſaid Warehouſes, in any Boat, or other Veſſel, Tobacco in Bulk or Parcels, for the Payment of his or her Taxes, Dues, or Duties.

Proviſo, for Tob. carried to Warehouſe, to pay Taxes.

VI. *AND*

Maſters of Ships to deliver Two Manifeſts of all Tob. on board, to Naval Officer.

VI. *AND be it further Enacted*, That every Maſter of a Ship or Veſſel, wherein Tobacco ſhall be laden to be exported, ſhall, at the Time of Clearing, deliver to the Naval-Officer, Two fair Manifeſts of all the Tobacco on board the Ship or Veſſel, expreſſing the Marks and Numbers of every Hogſhead, and the Tare and Nett Weight, ſtamped thereon, the Perſon by whom ſhipped, and from what Warehouſe, and ſhall make Oath thereto, and that the ſame is a juſt and true Account of the Marks, Numbers, Tare, and Nett Weight of each reſpective Hogſhead, as the ſame was taken down by the Perſon or Perſons appointed by him to take the ſame, before the ſaid Tobacco was ſtowed away; and no Ship or Veſſel ſhall be cleared by the Naval-Officer, before he ſhall have received ſuch Liſts or Manifeſts; one of which ſaid Manifeſts ſhall, by the ſaid Naval-Officer, be annexed to ſuch Maſter's Certificate or Clearance; to the End the ſame may be delivered to the Chief Officer of the Cuſtoms, in ſuch Port or Place where the ſaid Ship or Veſſel ſhall unlade, and the other of the ſaid Manifeſts ſhall, by the ſaid Naval-Officer, be tranſmitted to the ſaid Chief Officer of the Cuſtoms, by the next convenient Opportunity.

Or not be cleared out.

Pen. on Perſon putting Tob. on board Ships before Inſpection, or taking it out of any Hogſhead, &c. committed to their Care.

VII. *AND be it further Enacted*, That if the Skipper of any Sloop, Boat, Pettiaugua, or other Veſſel, or other Perſon or Perſons to whom the Care and Management thereof ſhall be intruſted, ſhall put on Board any Ship, or other Veſſel, to be exported, as herein before mentioned, any Hogſhead, Caſk, or Package of Tobacco, put on board the ſame to be carried to any Public Warehouſe, by this Act appointed for the Reception and Inſpection of Tobacco, ſo as the ſame be not delivered at ſome of the ſaid Public Warehouſes, without Fraud or Imbezzlement; or ſhall open any Hogſhead or Caſk of Tobacco, ſo as aforeſaid waterborne, and take thereout any Tobacco, before the ſame be viewed by the Inſpectors, according to the Directions of this Act, or after the ſame has been viewed, ſhall fraudulently open any Hogſhead or Caſk, and take thereout any Tobacco; every ſuch Offence ſhall be adjudged Felony, and the Offender or Offenders ſhall ſuffer as in Caſes of Felony.

Not to extend to Tobacco taken out of Veſſels in Diſtreſs.

VIII. *PROVIDED always*, That nothing herein contained ſhall be conſtrued to prohibit the putting on board any Ship, or other Sea Veſſel, any Hogſhead, Caſk, or Package of Tobacco, out of any Sloop, Boat, or other Veſſel, which by Diſtreſs of Weather ſhall be forced on Ground, or become leaky; ſo as ſuch putting on board any Sea Veſſel, ſhall be really and *bona fide* for the Preſervation of the Tobacco laden in ſuch Sloop, Boat, or other Veſſel, and that the ſame be, with all convenient Speed, carried thereafter to the Warehouſe to which it was deſigned, without Imbezzlement.

Tob. damaged in carrying on board any Ship, &c. to be carried to the next Warehouſe, and repacked by the Owner;

IX. *PROVIDED alſo*, That if by the Accidents aforeſaid, or Negligence by the Maſter or Skipper of any Veſſel, any Tobacco which hath been viewed and ſtamped, ſhall in its Carriage to the Ship in which it is intended to be exported, receive ſo much Damage as that the Maſter of ſuch Ship will not receive it on board, every Hogſhead or Caſk of Tobacco ſo damnified, ſhall, with all convenient Speed, be carried to ſome Warehouſe appointed by this Act, and there lodged, until the Owner of the ſaid Tobacco, or Maſter of the Veſſel in which it was damaged, ſhall have ſeperated the ſame, and repacked the good Tobacco; and then the ſame ſhall be weighed

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And weighed and ſtamped by Inſpectors.

weighed and ſtamped, with the Weight, by the Inſpectors attending ſuch Warehouſe, without Fee or Reward; but if the Owner of ſuch Tobacco, or the Maſter of the Veſſel in which it was damaged, fail or delay to ſeperate and repack the ſame within Ten Days; then the Inſpector at the Warehouſe where ſuch damaged Tobacco ſhall be landed, ſhall, and they are hereby required and enjoined, to ſeperate, repack, ſtamp, and weigh the ſame; and ſuch Inſpectors ſhall have and receive, of the Owner of ſuch Tobacco, Five Shillings, for each Hogſhead or Caſk of Tobaco, to be paid by ſuch Owner, before the ſaid Tobacco ſhall be delivered out for Exportation.

If they fail, inſpectors to do it, for 5 s. *per* Hogſhead.

Tobacco brought to any Warehouſe, to be inſpected by Inſpectors, to be appointed by the County Court.

X. *AND be it further Enacted, by the Authority aforeſaid*, That all Tobacco which ſhall be brought to any of the Public Warehouſes herein after mentioned, ſhall be viewed, examined, and inſpected, by Two Perſons to be thereunto appointed, who ſhall be called Inſpectors; which ſaid Inſpectors ſhall be appointed in Manner following; that is ſay, The Courts of the ſeveral Counties within this Province, wherein any of the Public Warehouſes appointed by this Act are eſtabliſhed, ſhall and may, and they are hereby required, once in every Year, between the Firſt Day of *March*, and laſt Day of *Auguſt*, Yearly, to nominate and appoint, for each of the Public Warehouſes within their Counties, Two fit and able Officers of Inſpection, reputed to be ſkilful in Tobacco, for the Office of Inſpectors; which Nomination and Appointment, the ſaid Courts ſhall cauſe to be entered upon Record, which ſhall be a ſufficient Appointment of ſuch Officers: And alſo, in Caſe of the Death, Reſignation, or Removal, of any Inſpector, the ſaid Court ſhall and may nominate and appoint another to ſucceed him, until the next Nomination of Inſpectors.

Inſpector taking Fee for reſigning his Office, diſabled for ever from holding that Office, and to forfeit 50 l.

XI. *AND be it further Enacted*, That if any Inſpector ſhall hereafter accept, receive, or take, directly or indirectly, any Fee, Gratuity, Service, or Reward whatſoever, of any Perſon, for reſigning or giving up his Office of Inſpector, he ſhall not only be diſabled for ever from holding the like Office, but for ſuch Offence ſhall forfeit and pay the Sum of Fifty Pounds Proclamation Money; to be recovered by Action of Debt, with Coſts, in any Court where the ſaid Sum is cognizable; and every Perſon offering and paying, directly or indirectly, any Fee, Service, Gratuity, or Reward whatſoever, to any Inſpector to reſign his Office, ſhall, for the ſaid Offence, be for ever diſabled from holding the Office of Inſpector within this Province.

Juſtice being an Inſpector, to have no Vote in Nomination.

XII. *PROVIDED always*, That no Juſtice of the Peace, being Inſpector, or recommended to be an Inſpector, ſhall have, or be allowed to vote in the Nomination and Appointment of Perſons to be Inſpectors as aforeſaid.

Inſpectors to give Bond, and take the following Oath.

XIII. *PROVIDED alſo*, That every Perſon appointed, or to be appointed an Inſpector, by Virtue of this Act, ſhall, before he enters upon the Execution of the ſaid Office, enter into Bond, with good Security, in the Penalty of One Hundred Pounds, Proclamation Money, payable to his Majeſty, his Heirs and Succeſſors; with Condition, for the true and faithful Performance of his Duty, according to the Directions of this Act; and ſhall alſo take the following Oath, *to wit*;

YOU

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YOU ſhall ſwear, That you will, diligently and carefully, view and examine all Tobacco brought to any Public Warehouſe whereof you are appointed to be Inſpector, and all other Tobacco which you ſhall be called upon to view and inſpect, and that not ſeparately and apart from your Fellow, but in his Preſence; and that you will not receive any Tobacco, that is not in your Judgment ſound, well conditioned, merchantable, and clear of Traſh, nor receive, paſs, or ſtamp, any Tobacco Hogſhead, or Caſk of Tobacco, prohibited by an Act of Aſſembly, intituled, An Act, to reſtrain the Exportation of bad and unmerchantable Tobacco, and preventing Frauds in his Majeſty's Cuſtoms; *and that you will not change, alter, or give out any Tobacco, other than ſuch Hogſhead or Caſk for which the Receipt to be taken in was given; but that you will in all Things well and faithfully diſcharge your Duty in the Office of an Inſpector, according to the beſt of your Skill and Judgment, and according to the Directions of the ſaid Act, without Fear, Favour, Affection, Malice, or Partiality.*

So help you God.

Oath.

Which Oath ſhall and may be taken before the County Court wherein ſuch Inſpector ſhall reſide; and if any Perſon ſhall preſume to execute the Office of Inſpector, before he ſhall have given ſuch Bond, and take ſuch Oath as aforeſaid, he ſhall forfeit and pay Fifty Pounds Proclamation Money.

To be taken before the County Court; on Pen. of 50 l.

XIV. *AND be it further Enacted,* That all Inſpectors to be appointed by Virtue of this Act, ſhall conſtantly attend their Duty at the Warehouſe under their Charge, from the firſt Day of * *November*, to the Twentieth Day of *December*, and from the Tenth Day of *March*, to the firſt Day of *May*, Yearly, unleſs otherwiſe directed by the County Courts, and at other Times, they, or one of them, ſhall attend to deliver out Tobacco for Exportation, till all the Tobacco remaining there on the ſaid firſt Day of *May*, ſhall be ſo delivered; and every Inſpector neglecting to attend as aforeſaid, except as before excepted, ſhall forfeit and pay, to the Party grieved, Five Shillings, for every Neglect, or ſhall be liable to the Action upon the Caſe of the Party grieved, to recover ſuch Damages as he or ſhe ſhall have ſuſtained by Occaſion of ſuch Neglect, together with his or her full Coſts, at the Election of ſuch Party: And all Inſpectors ſhall uncaſe and break every Hogſhead and Caſk of Tobacco, brought to them to be inſpected as aforeſaid; and if they ſhall agree that the ſame is good, ſound, well-conditioned, merchantable, and clear of Traſh, then ſuch Tobacco ſhall be weighed in Scales, with Weights, or Steel-yards, of the lawful Standard, and the Hogſhead or Caſk ſhall be ſtamped and marked with an Iron, in the Preſence of the ſaid Inſpectors or one of them, with the Name of the Warehouſe at which the Tobacco therein contained ſhall be viewed and inſpected as aforeſaid; and alſo the Tare of the Hogſhead or Caſk, and Quantity of Nett Tobacco therein contained: But if the ſaid Two Inſpectors ſhall at any Time diſagree concerning the Quality of any Tobacco, brought for their Inſpection at any Warehouſe under their Charge, they ſhall, without Delay, as ſoon as conveniently may be, call from the next adjacent Warehouſe or Inſpection, another Inſpector, who ſhall determine the Difference, and paſs or reject ſuch Tbacco; and where any Inſpector ſhall happen to be ſick and unable to attend his Duty, in that Caſe it ſhall be lawful for any Inſpector, at any adjacent Warehouſe, to view, inſpect, and paſs Tobacco

Inſpectors when to attend Warehouſes.

Pen. for Neglect.

To break and uncaſe Tob. and if found good, to weigh, and ſtamp i.

Where they diſagree, Inſpector from the next Warehouſe to be called to decide the Difference.

* This Clauſe altered, by Act paſſed *Nov.* 1757, Chap. III, and *April* 1760, Chap. VIII.

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No Inſpector to paſs his own Tob.

in his Room: And when any Inſpector ſhall bring his own Tobacco to the Warehouſe whereof he is Inſpector, the ſame ſhall not be paſſed or ſtamped, unleſs it be firſt viewed, examined, and found qualified and good as aforeſaid, by the other Inſpector there attending, and by one or both of the Inſpectors from the next adjacent Warehouſe, as the Caſe ſhall require: And if any Perſon appointed an Inſpector as aforeſaid, during his Continuance in Office, ſhall depart this Life, in that Caſe it ſhall be lawful for any Inſpector called from an adjacent Warehouſe, to view, inſpect, and paſs all ſuch Tobacco, as ſhall be brought to the Warehouſe whereof ſuch deceaſed Perſon was Inſpector, before the next Court to be held for the County wherein ſuch Warehouſe ſhall be; which Court is hereby authorized and required, to nominate and appoint another Inſpector to ſucceed the Perſon deceaſed.

Inſpector dying, one from the next Warehouſe may attend in his Room, till another be appointed by the Court.

Inſpectors to give Notes for transfer Tob. by them paſſed.

XV. *AND be it further Enacted*, That if any Tobacco ſhall be brought to any of the ſaid Warehouſes, for the Diſcharge of any Public or private Debt or Contract, the Inſpectors, after they have viewed, examined, and weighed the ſame, according to the Directions of this Act, ſhall be obliged to deliver to the Perſon bringing the ſame, as many Promiſory Notes, under the Hands of the ſaid Inſpectors, as they ſhall be required, for the full Quantity of Tobacco received by them; in which ſhall be expreſſed whether the Tobacco ſo received be Sweet-ſcented or *Oronoko*, Stemmed or Leaf; which Notes ſhall bear Date the Day the Tobacco for which the ſame is given ſhall be viewed and paſſed, and ſhall and are hereby declared to be current in Tobacco Payments, according to the Species expreſſed in ſuch Notes, and ſhall be transferrable from one to another in all ſuch Payments, and ſhall be paid and ſatisfied by the Inſpectors who ſigned the ſame, upon Demand: And for every Hogſhead of Tobacco brought to any Public Warehouſe for the Diſcharge of any Public or private Debt, in good Caſk, of ſuch Dimenſions as herein after expreſſed, there ſhall be allowed by the Inſpector thereof to the Perſon bringing the ſame, after the Rate of Four Pounds of Tobacco for every Hundred Pounds the Tobacco therein contained ſhall weigh, after the ſame ſhall be viewed and paſſed, ſo as ſuch Allowance does not exceed Thirty Pounds of Tobacco for each Hogſhead; and the Inſpectors ſhall, and they are hereby obliged, to make every Hogſhead by them paid away in Diſcharge of any ſuch Notes by them given, to contain Nine Hundred and Fifty Pounds of Nett Tobacco, at the leaſt; and for every ſuch Hogſhead of Tobacco by them paid away, well lined and nailed, fit for ſhipping, there ſhall be paid, by the Perſon receiving the ſame, Five Shillings, for inſpecting, and Six Pence for Nails; which ſaid Sum of Six Pence the ſaid Inſpectors ſhall and may retain in their Hands for their own Uſe, to reimburſe them the Expence of providing Nails; and the Perſon demanding or receiving Tobacco in Diſcharge of Notes as aforeſaid, ſhall allow to the Inſpectors Thirty Pounds of Tobacco for each Hogſhead ſo received, for the Caſk, and Two Pounds of Tobacco for every Hundred Pounds of Tobacco contained in ſuch Notes, and proportionably for a greater or leſſer Quantity, for Shrinkage and Waſtage, if the ſaid Tobacco be paid within Two Months after the Date of the Note given for the ſame, and One Pound of Tobacco for every Hundred for every Month the ſame ſhall be unpaid after the ſaid Allowance, ſo as ſuch Allowance for Shrinkage and Waſtage does not exceed in the Whole Six Pounds of Tobacco for every Hundred: And if any Inſpector or Inſpectors by whom any ſuch Notes for Tobacco as aforeſaid ſhall be ſigned, ſhall refuſe or delay to

To be current in Tob. Payments.

Four *per Cent.* allowed for Caſk.

Inſpectors to make each Hogſhead weigh 950 lbs. nett.

Allowed 5 s. 6d. for inſpecting and Nails.

And 30 lbs Tob. for Caſk, & 2 *per Cent.* for Shrinkage.

Pen. on Inſpectors refuſing to pay their Notes given for Tob.

to pay and ſatisfy the ſame when demanded; every Inſpector ſo delaying or refuſing, ſhall forfeit and pay, to the Party injured, double the Value of the Tobacco ſo refuſed or delayed to be paid; to be recovered, with Coſts, in any Court within this Province wherein the ſame is cognizable, if the Note or Notes do exceed Two Hundred Pounds of Tobucco; and if the ſaid Note or Notes do not exceed Two Hundred Pounds of Tobacco, the double Value as aforeſaid ſhall and may be recovered before any Juſtice of the Peace of the County wherein the Warehouſe ſhall be, at which the Note or Notes ought to be paid: And no Inſpector or Inſpectors ſhall mix Stemmed and Leaf Tobacco in any Hogſhead which they ſhall prize and pay away in Diſcharge of any transfer Notes by him or them given.

Not to mix Stemmed and Leaf Tob.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That all Tobacco brought to any of the ſaid Warehouſes in Hogſheads or Caſks, to be exported as aforeſaid, on Account of, and for the Uſe of the Owner thereof, after the ſame ſhall have been viewed, examined, and weighed, and found to be good, ſhall be ſtamped as herein before directed; and the ſaid Inſpectors ſhall deliver to the Perſon bringing the ſame, as many Receipts, ſigned as aforeſaid, as ſhall be required, for the Number of Hogſheads ſo brought and ſtamped, in which ſhall be expreſſed whether the Tobacco ſo received be Sweet-ſcented, or *Oronoko*, Stemmed or Leaf, and whether the ſame is tied in Bundles or not; and for every Hogſhead and Caſk brought to any of the ſaid Warehouſes to be exported, on Account of, and for the Uſe of the Owner thereof, there ſhall be paid to the Inſpector there attending, Three Shillings, for viewing, examining, and ſtamping the ſame; and the Owners of the ſaid Tobacco ſhall provide Nails for the nailing thereof: And if any Inſpector or Inſpectors ſhall alter, change, or deliver out any Hogſhead or Caſk of Tobacco, other than the Hogſhead or Caſk for which the Receipt to be taken in was by them given; ſuch Inſpector or Inſpectors ſhall not only forfeit and pay the double Value of ſuch Hogſhead or Caſk ſo altered, changed, or delivered out, but he or they ſhall moreover forfeit his or their Bonds, reſpectively, given for the due Execution of his or their Office; and all Inſpectors ſhall, and they are hereby obliged and required, to take in any Receipt or Receipts by them given for Tobacco, and after having weighed ſuch Tobacco, to give transfer Notes for the ſame, with an Allowance of Four *per Cent.* for the Caſk, ſo as ſuch Allowance does not exceed Thirty Pounds of Tobacco for every Caſk.

Tob. inſpected in Hogſheads to be weighed & ſtamped, and Notes given by the Inſpectors for it.

Allowed 3 s. for inſpecting.

Pen. on Inſpectors changing Tobacco.

To take in their Receipts, & give transfer Notes.

XVII. *AND be it further Enacted*, That during the Continuance of this Act, no Tender of any Debt or Duty payable in Tobacco, ſhall be accounted lawful, unleſs ſuch Payment of the ſame be tendered in Inſpectors Notes or Receipts, nor ſhall any Crop Notes, or Receipts, of an older Date than Eighteen Months, be a lawful Tender in any Caſe whatſoever.

No Tender of Tob. Debt lawful, unleſs in Inſpectors Notes, of no older Date than 18 Months.

XVIII. AND for reſtraining the undue Practice of mixing Traſh with Stemmed Tobacco, and preventing the packing Tobacco in unſizable Caſks; *Be it Enacted, and Declared*, That all Stemmed Tobacco not laid Strait, whether the ſame be packed looſe or in Bundles, ſhall be accounted unlawful Tobacco; and that no Tobacco packed in Hogſheads which exceed Eight and Forty Inches in the Length of the Stave, or Thirty Inches at the Head within the Crow, (making an Allowance of Two Inches in the prizing Head for prizing) ſhall be paſſed or received; but the Owner

Stemmed Tobacco not laid ſtrait, unlawful.

Size of Tob. Hogſheads.

A D. 1754. Owner of ſuch Tobacco packed in Casks of greater Dimenſions than before expreſſed, ſhall be obliged to re-pack the ſame in ſizable Casks, at his own Coſts and Charge, before the ſame ſhall be received and ſtamped by the ſaid Inſpectors.

Tob. packed in Caſks of greater Dimenſions, to be repacked.

XIX. *AND be it further Enacted*, That when any Tobacco ſhall be brought to any Public Warehouſe, and refuſed by the Inſpectors there officiating, the ſame ſhall be immediately burnt by them, unleſs the Owner or Perſon bringing ſuch Tobacco deſires to ſort and ſeparate the ſame, and to pick out ſuch as is bad; in which Caſe the Inſpector ſhall permit the ſame to be done at the Warehouſe to which the ſaid Tobacco ſhall be brought, without Fee or Reward, but ſhall not, on any Pretence, ſuffer the ſaid Tobacco to be removed or carried from the ſaid Warehouſe; and the ſaid Inſpectors ſhall allow one Month for ſeparating and picking ſuch Tobacco; after which Time if the ſame be not done, it ſhall be lawful for them to burn the whole, (except where the ſame is in a Sweat, or where the Circumſtances or Accidents of Weather may have prevented the handling of it) in which Caſe the Inſpectors ſhall allow ſuch further Time as they ſhall think reaſonable: And where any Tobacco ſhall be ſeparated and picked as aforeſaid, the traſh Tobacco ſhall be burnt by the Inſpectors on the ſame Day it is picked out; under the Penalty of forfeiting Five Shillings for every Failure, to the Informer; to be recovered by a Warrant from a Juſtice: And if any Tobacco packed in Caſk by an Overſeer, or the Hands under his Care, ſhall be burnt by the ſaid Inſpectors, by Reaſon of its being bad, unſound, or not in good Condition; the Overſeer who had the Care of making and packing the ſame, ſhall bear the Loſs of the Tobacco ſo burnt; and make Satisfaction for the ſame out of his Share of the Crop, or otherwiſe; and the Inſpectors ſhall be obliged to keep an Account of all Tobacco ſo burnt: And if any Tobacco ſhall remain undemanded in a Public Warehouſe Three Years after the ſame is inſpected, the Inſpectors at ſuch Public Warehouſe, ſhall advertiſe a Liſt of the Marks, Numbers, and Weights of ſuch Tobacco, at the Court of their County, Two Courts ſucceſſively, next after the Expiration of Three Years as aforeſaid, and if no Owner appears to claim the ſame within that Time, the Court is hereby impowered and required, to order the ſaid Tobacco to be ſold publickly, at the Court-houſe Door, on the laſt Day of the ſame Court that the ſame ſhall be ſo advertiſed, to the higheſt Bidder, and the Money ariſing by the Sale thereof, ſhall be accounted for by the Inſpectors for the Time being, in their Accounts with the Court, and by the Court applied to the Uſe of the County; and if any Perſon having a Right in any Tobacco ſo ſold, ſhall prove his Property therein, the Court ſhall repay to ſuch Perſon the Money for which the Tobacco was ſold.

After which, Traſh to be burnt.

Tob. packed by Overſeers, burnt, Overſeers to pay for it.

Tob. remaining in the Warehouſe above 3 Years, to be ſold, for the Uſe of the County.

Perſons proving their Right afterwards, to be paid for the ſame.

XX. AND to the End that a juſt Quantity of Tobacco exported may be more exactly known, and every evil Practice to defraud his Majeſty of his Cuſtoms prevented; *Be it Enacted, by the Authority aforeſaid*, That all Inſpectors ſhall carefully enter, in a Book, to be provided and kept for that Purpoſe, the Marks, Numbers, Groſs, Nett Weight, and Tare, of all Tobacco viewed and ſtamped by them as aforeſaid, and in what Ship or Veſſel the ſame ſhall be laden or put on board; and ſhall alſo with every Sloop, Boat, or Pettiaugua Load of Tobacco, ſend a Liſt of the Marks, Numbers, Groſs, Nett Weight, and Tare, of every Hogſhead of Tobacco then delivered, to be given to the ſaid Maſter of the Ship or other Veſſel in which

Inſpectors to keep a Book of Tob. ſhipped off, and to ſend Liſts with all they ſend on board Ships.

which the ſame ſhall be put on board; and if the Tobacco delivered to the ſame Sloop, Boat, or Pettiaugua, is intended to be put on board ſeveral Ships, or Veſſels, then they ſhall deliver ſo many diſtinct and ſeveral Liſts as aforeſaid, of the Hogſheads to be put on board ſuch Ships or Veſſels reſpectively; which Liſts every Maſter of a Ship or Veſſel, is required to produce to, and lodge with the Naval-Officer of the Diſtrict where the Ship or Veſſel whereof he is Maſter ſhall ride, or by whom he ſhall be cleared, ſometime before her Clearance: But whereas it may happen that the Ship in which ſuch Tobacco was intended to be put, may be ſo full as not to be able to ſtow all the Tabacco contained in ſuch Liſt; in ſuch Caſe it ſhall and may be lawful to ſhip the ſaid Tobacco, or any Part thereof, on board any other Ship or Ships, where the Owner thereof ſhall think fit; the Maſters of ſuch Ships indorſing on the ſaid Liſts, the Marks and Numbers of the reſpective Hogſheads by them taken on board, and giving Notice to the Inſpectors of the Warehouſes from whence the ſame was brought; or if there be no Ship to receive the ſaid Tobacco, then it ſhall and may be lawful for the Maſter of the firſt mentioned Ship or Veſſel, to put the ſaid Tobacco into any Warehouſe in the Diſtrict where ſuch Ship ſhall ride, giving Notice thereof to the Inſpectors who ſtamped the ſame; and the Inſpectors of that Warehouſe where ſuch Tobacco ſhall be delivered, ſhall give a Receipt for the ſame, and ſhall cauſe the ſaid Tobacco to be ſafely lodged, and delivered to the Order of the Owner, whenever he or ſhe ſhall think fit to ſhip it off, and that without Fee or Reward.

Which Liſts are to be lodged with the NavalOfficer.

Where Tob. is ſent to be put on board any Veſſel that is full, the ſame may be ſhipped on board any other Veſſel, or relanded at any Warehouſe in the Diſtrict.

XXI. *AND be it further Enacted*, That if any Perſon whatſoever ſhall forge or counterfeit the Stamp, Note, or Receipt, of any Inſpector, or tender in Payment any ſuch counterfeit or forged Note, or Receipt, knowing it to be ſuch, or export, or cauſe to be exported, any Hogſhead or Caſk of Tobacco, ſtamped with a forged or counterfeited ſtamp, or demand Tobacco of any Inſpector upon ſuch forged or counterfeited Note, or Receipt, knowing ſuch Note or Receipt or Stamp to be forged and counterfeited; or ſhall put or pack into any Hogſhead or Caſk of Tobacco, ſtamped by any Inſpector, any Tobacco whatſoever, or draw or take out any Stave, Plank, or Heading-Board, ſo ſtamped as aforeſaid, of any Hogſhead or Caſk of Tobacco, after ſuch Hogſhead or Caſk of Tobacco ſhall be delivered out from any of the Public Warehouſes aforeſaid; every Perſon ſo offending, and being thereof convicted by due Courſe of Law, ſhall be adjudged a Felon, and ſhall ſuffer as in Caſes of Felony.

Pen. on Perſons counterfeiting Inſpectors Notes, &c. exporting Tob. with forged Stamps, or opening any ſtamped Tobacco Hogſhead.

XXII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Inſpectors Notes or Receipts be caſually loſt, miſlaid, or deſtroyed, the Perſon or Perſons intitled to receive the Tobacco by Virtue of any ſuch Note or Receipt, ſhall make Oath, before a Juſtice of the Peace of the County where the ſame is payable, to the Number or Date of every ſuch Note or Receipt, to whom and where payable, and for what Quantity of Tobacco the ſame was given, and that ſuch Note or Receipt is loſt, miſlaid, or deſtroyed, and that he, ſhe, or they, at the Time ſuch Note or Receipt was loſt, miſlaid, or deſtroyed, was lawfully intitled to receive the Tobacco therein mentioned, and ſhall take a Certificate thereof from ſuch Juſtice; and upon producing a Certificate of ſuch Oath to the Inſpectors who ſigned ſuch Note or Receipt, and lodging the ſame with them, the ſaid Inſpectors ſhall, and are hereby required, to pay and deliver to the Perſon obtaining ſuch Certificate, the Tobacco

Method to be taken where Inſpectors Notes happen to be loſt.

A. D. 1754.

for which any ſuch Notes or Receipts were given, (if the ſame, or any Part thereof, ſhall not have been before by them paid by Virtue of the ſaid Notes or Receipts,) and ſhall be hereby diſcharged from all Actions, Suits, and Demands, on Account of ſuch Notes or Receipts: And if any Perſon ſhall be convicted of making a falſe Oath, or producing a forged Certificate in the Caſe aforeſaid, knowing the ſame to be forged, he ſhall forfeit and pay Twenty Shillings, for every Hundred Pounds Weight of Tobacco contained in ſuch Certificate; recoverable before any Juriſdiction where the ſame is cognizable; and moreover, upon Conviction, ſhall ſuffer as in Caſe of wilful and corrupt Perjury.

Penalty for making falſe Oath or producing a forged Certificate.

Taxes may be paid in Inſpectors Notes.

XXIII. *AND be it further Enacted, by the Authority aforeſaid*, That all County and Pariſh Taxes already impoſed, or hereafter to be impoſed, and which ſhall be due and payable at any Time, after the Commencement of this Act, may be paid and diſcharged in transfer Notes, after the Rate of One Penny Proclamation Money, *per* Pound, for each Hundred Pounds Weight of Tobacco contained in ſuch Note, and ſo proportionably for a greater or leſſer Quantity; and the Sheriff, or other Collectors of the ſaid County and Pariſh Taxes, ſhall, on or before the Tenth Day of *June*, annually, pay all ſuch Inſpectors Notes as they ſhall receive, (deducting the Commiſſions by Law allowed them) to the ſeveral County and Pariſh Creditors to whom the ſame are due and payable.

To be paid by the Sheriff to the County Creditors by the 10th of *June*, Yearly.

Transfer Notes to be tendered before the 1ſt of *May*.

XXIV. *PROVIDED neverthelefs*, That no Collector of any County or Pariſh Taxes, ſhall take or receive any of the ſaid transfer Notes, in Diſcharge of any of the ſaid Taxes, unleſs the Party owing the ſame, ſhall tender ſuch Notes on or before the Firſt Day of *May*, in the Year ſuch Taxes are and ſhall be due and owing.

And none of the preceeding Year to paſs in ſuch Payment.

XXV. *PROVIDED alſo*, That no transfer Notes of the preceeding Year, ſhall paſs in any ſuch Payment.

Sheriffs to pay all County Creditors by the 10th of *June*, Yearly, or be liable to Judgment againſt them for the ſame the next Court.

XXVI. *AND be it further Enacted, by the Authority aforeſaid*, That every Sheriff and other Collector of any County or Pariſh Taxes within this Province, ſhall, on or before the Tenth Day of *June*, Yearly, pay and ſatisfy every Creditor of the County or Pariſh whereof he is Collector, all ſuch Sums as ſhall be due and owing to ſuch Creditor, and for which a Tax ſhall be laid by the County Court or Veſtry, for defraying thereof; and if any Sheriff or other Collector ſhall refuſe or delay to make Payment accordingly, it ſhall and may be lawful for every ſuch Creditor, on a Motion made in any Court wherein the Demand is cognizable, the next ſucceeding Court thereafter, to demand Judgment againſt ſuch Sheriff or other Collector, for the Debt due to ſuch Creditor, and wherewith ſuch Sheriff or other Collector is chargeable; and ſuch Court is hereby authorized and required, to give Judgment for ſuch Creditors Debt, with Coſts, and to award Execution thereupon: *Provided*, the Sheriff or other Collector ſhall have Ten Days previous Notice of ſuch Motion.

* XXVII. *AND be it further Enacted, by the Authority aforeſaid*, That Public Warehouſes, for Inſpection of Tobacco, purſuant to this Act, ſhall be kept at the ſeveral Places herein after mentioned; that is to ſay, In

* This Clauſe altered, by ſeveral ſubſequent Acts, referred to at the Beginning of this Act.

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In *Paſquotank*, at Mr. *Thomas Relf*'s, where the Warehouſe now is.
In *Perquimons*, at the Court-houſe on the Lands of *Jonathan Phelps*.
In *Chowan*, at *Edenton*, and on *Bennet*'s Creek, on the Land of *John Alſton*.
In *Bertie*, upon *Chowon* River, on the Land of *John Campbell*, near *Jackſon*'s Ferry.
And upon *Cuſhie* River, on the Land of *Thomas Whitmill*, where the Warehouſes formerly were.
In *Northampton*, at the Pitch-Landing, *Raglin*'s, and *Buckſton*'s.
In *Edgcomb*, at *Elbeck*'s Land, on *Roanoke*, *William Williams*'s, at *Kehukey*, and at *Howel*'s, on *Tar* River.
In *Beaufort*, at the *Red-Banks*, and at *Bath* Town, where the Warehouſes now are.

Warehouſes where to be built.

And there ſhall be paid to the ſeveral Inſpectors to attend and attending the ſaid ſeveral Warehouſes, the Salaries herein after mentioned; that is to ſay, To each of the Inſpectors at *Relf*'s, Six Pounds; at *Phelps*'s, Seven Pounds; at *Edenton*, Six Pounds; at *Alſton*'s, Seven Pounds; at the *Pitch-Landing*, Fifteen Pounds; at *Raglin*'s and *Buckſton*'s, both under one Inſpection, Fifteen Pounds; at *Elbeck*'s, Fifteen Pounds; at *Kehukey* and *Howel*'s, both under one Inſpection, Fifteen Pounds; at *Campbell*'s, Six Pounds; at *Whitmill*'s, Five Pounds; and at the *Red Banks* and *Bath* Town, both under one Inſpection, Eight Pounds, Proclamation Money.

Inſpect. Salaries.

XXVIII. *AND be it further Enacted*, That at all the ſaid Warehouſes there ſhall be paid and allowed for the Rent of the ſame, Eight Pence, Proclamation Money, for every Hogſhead of Tobacco that ſhall be received, inſpected, and delivered out of ſuch Warehouſes reſpectively.

Warehouſe Rent.

XXIX. *AND be it further Enacted*, That it ſhall and may be lawful for the Juſtices of the reſpective County Courts, wherein any of the ſaid Warehouſes are appointed, and they are hereby required, to value an Acre of Land at every Place within their County where Public Warehouſes are by Virtue of this Act directed to be built, and to agree with any Perſon or Perſons for erecting and building thereon, ſuch Warehouſes, Wharfs, and other Conveniences, as ſhall be neceſſary, and to take Bond, with good Security, from ſuch Perſon or Perſons, for performing ſuch Agreement; and the ſaid Juſtices ſhall pay the Owner of the ſaid Land the Money, at which the ſame ſhall be valued as aforeſaid; and upon paying or tendering thereof, the Juſtices of the ſaid County for the Time being ſhall, from thenceforth, have an Eſtate, in Fee-ſimple, in ſuch Land, during the Time ſuch Place ſhall be made Uſe of for a Public Warehouſe: And the ſaid Juſtices ſhall, and are hereby impowered and authoriſed, to levy the Charge and Expence thereof, upon the Inhabitants of their County, and ſhall take and receive the Rents of the Tobacco which ſhall be received and inſpected at the ſaid Warehouſes in Purſuance of this Act, for reimburſing the ſaid County the Charge of purchaſing the ſaid Land, and building thereon: And where the Juſtices of any County Court have already built Warehouſes upon the Lands of another Perſon, by Virtue of any Laws heretofore in Force, the ſaid Juſtices ſhall, in like Manner, be ſeized, in Fee, of the Acre of Land upon which ſuch Warehouſes are built, ſo long as the ſaid Places reſpectively ſhall be made Uſe of for Public Warehouſes; but if any of the ſaid Places whereon Warehouſes are or ſhall be built by the Juſtices, hereafter happen to be diſcontinued, the Proprietor of the Land ſhall be, from thenceforth, ſeized of his former Eſtate.

Juſtices to value Land for building Warehouſes on, and to agree with Workmen to do the ſame; and to pay the Valuation Money to the Proprietors.

Lands whereon Warehouſes are already built, veſted in the Juſtices, while made Uſe of for that Purpoſe.

XXX. *PRO-*

A D 1754

Houſes, Orchards, &c. not to be taken away. Juſtices Power to put this Act in Execution,

XXX. *PROVIDED neverthelefs*, That nothing herein contained, ſhall be conſtrued to give Power to the ſaid Juſtices, to take away the Houſe, Orchards, or other immediate Conveniences of any Proprietor of Land, for the Uſes or Purpoſes aforeſaid: And the Juſtices of the Peace of the ſeveral Counties wherein any of the ſaid Warehouſes are by this Act appointed, within their County Court, ſhall, and are hereby declared, to have full Power to put in Execution ſo much of this Act, as relates to the building and erecting of Public Warehouſes, and to regulate all Matters concerning the ſame, and to direct the rebuilding and repairing of ſuch Houſes, Wharfs, and other Conveniences, from Time to Time, as to them ſhall ſeem neceſſary and expedient; and if, upon the Application of the Inſpectors to their County Courts, for building and making other neceſſary Houſes, Wharfs, and Repairs, ſuch County Court ſhall refuſe or fail to do their Duty therein, every ſuch Juſtice ſo refuſing or failing, ſhall forfeit and pay Five Pounds Proclamation Money; to be recovered in any of the Supreme Courts, with Coſts, by Action of Debt, or Information, againſt ſuch Juſtices jointly.

Or to what Pen. liable.

Warehouſes burnt, to be paid for by the County.

* XXXI. *AND be it further Enacted*, That if any of the Warehouſes herein before mentioned, ſhall happen to be burnt by Accident, the Loſs ſuſtained thereby ſhall be made good and repaired to the Perſons injured, by the ſeveral Counties wherein ſuch Warehouſes are by this Act directed and appointed to be built, and be levied on the Counties by the Courts thereof, at the Time of laying their County Levy next after ſuch Loſs ſhall happen, in Proportion to the taxable Perſons in each of the ſaid Counties: And in Caſe of ſuch Accidents, no Inſpectors ſhall be ſued or moleſted, for or by Reaſon of any Promiſory Notes or Receipts by them given for any Tobacco burnt in the ſaid Warehouſes, but ſhall be altogether acquitted and diſcharged of and from the Payment of the Tobacco in ſuch Notes or Receipts mentioned; any Thing herein before contained to the contrary notwithſtanding.

Inſpectors not liable for Notes burnt in the ſame.

Scales & Weights to be provided & kept at the Warehouſes.

XXXII. *AND be it further Enacted, by the Authority aforeſaid*, That there ſhall be kept, at every one of the ſaid Warehouſes herein before appointed, and at all others hereafter to be appointed, a good and ſufficient Pair of Scales, with Weights, or a Pair of good ‡ Steelyards, to weigh Twelve Hundred Pounds at the leaſt; and where ſuch Scales and Weights, or Steelyards, are not already provided, or now are, or hereafter ſhall be worn out and become unfit for Uſe, the Juſtices of the reſpective County Courts wherein any of the ſaid Warehouſes ſhall be erected, are hereby directed and required, to provide the ſame, at the Expence of their reſpective Counties; and moreover, the ſaid Juſtices are hereby required and directed, once in every Year at the leaſt, to appoint one or more of their Number to view the ſaid Scales, or Steelyards, and examine and try the Weights of the Scales, at the ſeveral Warehouſes, by the Standard Weights of the County: And if the ſaid Scales or Weights, or Steelyards, ſhall be found to want repairing, or the Weights to be found deficient, or differing from the lawful Standard, the ſaid Juſtices ſhall cauſe the ſame to be repaired and amended, and the Weights made conformable to the Standard;

To be tried once a Year.

If found deficient, to be repaired.

* This Clauſe altered, by Act paſſed *Sept.* 1756, Chap. VII.

‡ This Clauſe altered, as to Steelyards, by Act, *Nov.* 1757, Chap. III.

Standard; and if the Juſtice or Juſtices ſo appointed, ſhall refuſe or neglect to do the ſame, the Juſtice or Juſtices ſo refuſing or neglecting, ſhall forfeit and pay the Sum of Twenty Shillings Proclamation Money; and the Charge of repairing and amending the ſaid Scales, and Weights, or Steelyards, and alſo, for removing the Standard to the ſeveral Warehouſes for trying the ſame, ſhall be paid by the Inſpectors reſpectively, and be again allowed to them in their Account with the Court.

Expence of which, and moving the Standard, to be paid by the Inſpectors.

XXXIII. *AND be it further Enacted*, That any Juſtice of the Peace of any County near the Place where any Ship or other Veſſel ſhall ride, upon Complaint made to him by any Perſon, that ſuſpects any Tobacco is put on board any Ship, or other Veſſel, in Hogſheads, Caſks, or Packages, or in Bulk or Parcels, in order to be ſhipped off, and exported as aforeſaid, without being inſpected, ſhall, and is hereby required, to iſſue his Warrant, directed to the Sheriff, Under-Sheriff, or any Conſtable, of his County; and the Sheriff, Under-Sheriff, or Conſtable, ſhall have full Power and Authority, and he is hereby required, to enter and go on board ſuch Ship or other Veſſel, to ſearch for, and ſeize ſuch Tobacco; and the ſame being ſeized, ſhall be brought on Shore, and carried before the ſame, or any other Juſtice, who ſhall cauſe the ſame to be immediately burnt, by ſuch Sheriff, Under-Sheriff, or Conſtable: And if any Maſter, or Commanding Officer of any Ship or Veſſel, or any other Perſon whatſoever, ſhall reſiſt the Officer in the Execution of any ſuch Warrant, every ſuch Maſter or Commanding Officer ſhall forfeit and pay Fifty Pounds, Proclamation Money; and every Skipper, Sailor, or other Perſon, ſo reſiſting, ſhall forfeit and pay Ten Pounds, like Money: And if any Action ſhall be brought againſt any Juſtice of the Peace, Sheriff, Under-Sheriff, or Conſtable, for doing any Thing in Execution of this Act, the Defendant may plead the General Iſſue, and give this Act in Evidence; and if the Plaintiff ſhall be Non-ſuit, or a Judgment paſs againſt him, upon a Verdict, or Demurrer, the Defendant ſhall recover double Coſts.

Juſtices may grant their Warrant to ſearch for uninſpected Tob. on board any Veſſel.

If any found, to be brought aſhore and burnt.

Penalty for reſiſting the Officer

Action brought, Defendant may plead the General Iſſue.

XXXIV. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon, taking upon himſelf the Office of Inſpector, ſhall, during his Continuance therein, or within One Year after he ſhall be out of his ſaid Office, being capable of being elected a Member of the Houſe of Aſſembly, nor ſhall, directly or indirectly, by himſelf, or any other Perſon, buy or receive, by Way of Barter, Loan, or Exchange, any Tobacco whatſoever; under the Penalty of forfeiting Twenty Shillings, Proclamation Money, for every Hundred Weight of Tobacco ſo bought or received.

No Inſpector capable of being elected a Burgeſs; nor to barter any Tob.

XXXV. *PROVIDED always*, That nothing herein contained ſhall be conſtrued to hinder any Inſpector from receiving his Rents in Tobacco; which ſhall be firſt viewed, examined, and ſtamped, according to the Directions of this Act.

Not conſtrued to hinder 'em from receiving their Rents in Tob.

XXXIV. AND for the better Direction of the Inſpectors aforeſaid in their Duty, *Be it Enacted*, That no Inſpector ſhall take, accept, or receive, directly or indirectly, any Gratuity, Fee or Reward, for any Thing by him to be done in Purſuance of this Act, other than his Salary, and the other Allowances herein before mentioned and expreſſed; and if any Inſpector ſhall take, accept, or receive, any ſuch Gratuity,

Inſpectors not to take any Fee, but their Salaries, on Penalty of 50 l.

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Fee, or Reward, every ſuch Inſpector, being thereof convicted, ſhall forfeit and pay Fifty Pounds, Proclamation Money; to be recovered, with Coſts, by any Perſon or Perſons who ſhall inform or ſue for the ſame, by Action of Debt, Plaint, or Information, in any of the Supreme Courts of this Province; and moreover, ſhall be diſabled from holding the Office or Place of an Inſpector during the Continuance of this Act: And if any Perſon or Perſons ſhall offer any Bribe, Reward, or Gratuity, to any Inſpector, for any Thing by him to be done in Purſuance of this Act, other than the Fees and Allowances herein before mentioned and appointed; every Perſon ſo offending, and being thereof convicted, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds, Proclamation Money; to be recovered in any Court of Record within this Province: One Half of which ſaid Forfeiture ſhall be to our Sovereign Lord the King, his Heirs and Succeſſors, for and towards ſupporting the contingent Charges of this Province, and the other Half to the Perſon or Perſons who will inform and ſue for the ſame.

Pen. on Perſons offering them any Bribe.

How recovered & applied.

XXXVII. *AND be it further Enacted*, That when any Perſon ſhall be intitled to receive any Hogſhead of Tobacco, by Virtue of any Inſpectors Notes or Receipts, the Inſpectors ſhall be obliged to open the Hogſhead and ſhew ſuch Tobacco to the Perſon demanding the ſame, if required, whether ſuch Tobacco be Crop or Transfer; and if ſuch Perſon ſhall refuſe to accept of the Tobacco offered or tendered him in Payment, as bad, unſound, and unmerchantable, ſuch Perſon ſo refuſing, and not accepting thereof, ſhall make immediate Application to any Three Juſtices, near or neareſt to the Warehouſe at which the Tobacco ſo refuſed ſhall be offered or tendered in Payment, who are no-wiſe related to the Parties, nor concerned in Intereſt; and the ſaid Juſtices ſhall take an Oath, before ſome other Juſtice of the ſaid County, (which Oath ſuch Juſtice is hereby impowered and required to adminiſter) carefully to view and examine the ſaid Tobacco, and, to the beſt of their Skill and Judgment, not to paſs any Tobacco that is not ſound and well-conditioned, merchantable, and clear of Traſh, according to the Directions of the ſaid Act, and that they will therein do their Duty according to their Judgment and Conſcience, without Fear, Favour, Affection, Malice, or Partiality; which ſaid Three Juſtices ſo ſworn, are hereby directed, impowered, and required, upon ſuch Application, to repair to the Warehouſe where ſuch Tobacco ſhall be offered or tendered in Payment, and carefully to view and examine the ſame, in ſuch Manner as they ſhall think fit; and if any Two of them ſhall adjudge the Tobacco ſo tendered in Payment, to be bad, unſound, and unmerchantable, to cauſe the ſame to be immediately burnt, without being picked or ſeparated; and for their Trouble, the ſaid Three Juſtices who ſhall be preſent at ſuch View, ſhall be paid, by the Inſpector or Inſpectors who offered the ſame in Payment, Five Shillings, Proclamation Money, each; and if the ſaid Juſtices, or any Two of them, ſhall adjudge the ſaid Tobacco ſo tendered or offered in Payment, to be good, ſound, and merchantable, according to the Directions of this Act, the ſaid Juſtices ſo attending, ſhall be paid, by the Party deſiring ſuch View, Five Shillings, as aforeſaid: And when any Tobacco ſhall be tendered or offered in Payment by any Inſpector, and refuſed, the ſaid Inſpectors ſhall not be at Liberty to tender, or offer in Payment, nor the Perſon demanding the ſame, to receive any Tobacco in Lieu thereof, before or after ſuch Tobacco ſhall have been viewed as aforeſaid, but the Perſon refuſing, ſhall immediately

Method to be taken, where Perſons refuſe to take the Tob. offered them by Inſpectors, in Payment of their Notes.

Tob. ſo refuſed, to be marked, & if any other Tob. be offered by the Inſpectors in lieu thereof, to be a Conviction, that the Tob. firſt offered was bad.

diately mark the ſame; and if any Inſpector ſhall offer or tender in Payment any Tobacco in Lieu of the Tobacco ſo refuſed before the ſame ſhall have been viewed as aforeſaid, or ſhall not produce the ſame Tobacco ſo refuſed to the ſaid Juſtices; in either Caſe, it ſhall be taken for a Conviction, that the Tobacco firſt tendered in Payment was bad, unſound, and unmerchantable; and moreover, the ſaid Inſpectors ſhall forfeit and pay Ten Pounds for every ſuch Offence: And if any Perſon who ſhall refuſe any Hogſhead of Tobacco as aforeſaid, ſhall accept or receive another Hogſhead in Lieu of that refuſed, before ſuch Hogſhead ſo refuſed ſhall be viewed as aforeſaid, he ſhall forfeit and pay Ten Pounds for every ſuch Hogſhead.

Pen. for receiving any other Tob.

XXXVIII. *AND be it further Enacted*, That when any new Inſpector or Inſpectors ſhall be appointed at any of the ſaid Warehouſes, ſuch Inſpector or Inſpectors ſhall, and they are hereby required, to give to the Perſon or Perſons whom they ſhall ſucceed, a Receipt, with his or their Hands ſubſcribed, containing the Numbers, Marks, Tare, Groſs, and Nett Weight, of all and every Hogſhead or Caſk of Tobacco which ſhall be then remaining at the Warehouſe or Warehouſes at which they were appointed Inſpectors; with the Delivery and Payment of which ſaid Hogſheads or Caſks of Tobacco ſo remaining, he or they ſhall, from thenceforth, be chargeable and liable, but he or they ſhall, in no-wiſe, be accountable or anſwerable for the Loſs of Weight, or for Quality, of Tobacco contained in any Hogſhead for which ſuch Receipt was by him or them ſo as aforeſaid given: And if any Hogſhead or Caſk of Tobacco ſhall hereafter be received by any Perſon or Perſons whatſoever, and delivered out of any of the ſaid Warehouſes for Exportation, by the Inſpector or Inſpectors attending the ſame, ſuch Inſpector or Inſpectors, from the Time of ſuch Delivery, ſhall be for ever diſcharged and acquitted from all Actions, Coſts and Charges, for or by Reaſon of the Tobacco contained in any ſuch Hogſhead or Caſk being unſound and unmerchantable, or of leſs Quantity than the Notes or Receipts given for the ſame; any Thing herein contained to the contrary notwithſtanding. And when any prized Tobacco ſhall be brought to any Public Warehouſe, in order to be ſhipped on Freight, and the Inſpectors there attending ſhall refuſe to paſs ſuch Tobacco, as bad and unmerchantable, and ſuch as is bad and unmerchantable ſhall be picked and ſeparated from the reſt; or where any light Crop Tobacco ſhall hereafter be brought to any of the ſaid Warehouſes; in either Caſe, the ſaid Inſpectors, if required, ſhall permit the Owner or other Perſon bringing ſuch Tobacco, to make Uſe of one or more of their Prizes, for the re-packing, prizing, or making heavier ſuch Tobacco, without Fee or Reward: And if there ſhall be ſeveral Hogſheads of Tobacco belonging to ſeveral Owners, to be picked, re-packed, re-prized, or made heavier, at any Public Warehouſe, the Owner or other Perſon bringing the ſame, whoſe Tobacco ſhall be firſt viewed and refuſed or found light, ſhall be firſt permitted and allowed to make Uſe of ſuch Prize or Prizes; and the ſame Rules ſhall be obſerved in the prizing all Tobacco which ſhall be picked, re-packed, re-prized, or found light, as aforeſaid: And for all Tobacco re-packed or re-prized by the Owner thereof, or the Servants and Slaves to him belonging, there ſhall be paid to the Inſpectors thereof, only Three Shillings, for ſtamping; and for all Tobacco re-packed and prized by the Inſpectors, Five Shillings, for each Hogſhead; and alſo, Six-pence for Nails, unleſs the Proprietor ſhall find and provide Nails: And no Inſpector ſhall take or convert to his Uſe,

New Inſpectors appointed, to give a Receipt for all Tob. in the Warehouſe, with which they ſhall be chargeable, but not for Loſs of Weight, or Quality.

And after Delivery, to be for ever diſcharged from the ſame.

Method to be taken where prized Tob. is brought to any Warehouſe.

Inſpectors not to

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convert Sample Tob. to their own Uſe, but to put it into the Hogſhead again: If required, to alter the Marks of any Hhd. and to keep a Book, of all Tob. received:

Uſe, or otherwiſe diſpoſe of, any Draughts or Samples of Freight and Crop Tobacco, but the ſame (if fit to paſs) ſhall be put into the Hogſhead out of which it was drawn, under the Penalty of forfeiting Twenty Shillings for every Draught ſo taken away contrary to the Directions of this Act; to be recovered before any Juſtice of the Peace of the County wherein ſuch Offence ſhall be committed: And all Inſpectors, if required, ſhall alter the Mark and Number of any Hogſhead of Tobacco for which they have before given a Receipt; and for preventing Confuſion and Miſtakes, ſhall keep a Waſte-Book, in which ſhall be entered the Marks and Numbers of all Hogſheads of Tobacco received by them; and another Book, in which ſhall be entered the Marks and Numbers thereof, when the ſame ſhall be delivered out by them: And all Inſpectors, when required, ſhall be obliged to prize any Hogſhead of Tobacco under Nine Hundred and Fifty Pounds Nett, ſo as to make it up that Weight, but ſhall receive the ſame Fee upon ſuch Hogſhead as for tranſfer Tobacco, and may make the lawful Abatement of the Tobacco prized in: And where any Tobacco ſhall be brought to any Warehouſe by the Overſeer of the Owner thereof, the Inſpectors ſhall give Notes or Receipts in the Name of the Owner, and not the Overſeer.

And to prize all Hhds. under 950 lbs.

And to give Receipts in the Name of the Owner.

Owner of tranſfer Notes may, before *October*, receive Hhds. of Tob. in Satisfaction of the ſame; and Inſpectors to give Crop Notes for the ſame, and be anſwerable for it.

XXXIX. *AND be it further Enacted*, That the Owner of any tranſfer Notes may, at any Time before the Firſt Day of *October* in every Year, receive and mark Hogſheads of Tobacco for ſatisfying ſuch Notes, and the Inſpectors ſhall take in their former Notes, and deliver Crop Notes and Receipts for ſuch Hogſheads, and ſhall be anſwerable for the ſafe-keeping thereof, in the ſame Manner as they are for Crop Tobacco; but the Perſon receiving ſuch Hogſheads, ſhall pay to the Inſpectors Five Shillings and Six-pence, for the Inſpection, and Nails, for every Hogſhead; that is to ſay, Two Shillings and Six-pence down, and Three Shillings when the Tobacco ſhall be delivered: And the Inſpectors ſhall, at the Court held for their County next after the Firſt Day of *October*, Yearly, lay before the Court an Account, on Oath, of all the tranſfer Notes that were not by them taken in and received before the ſaid Firſt Day of *October*; and after ſuch Account exhibited, and Oath made, ſhall ſell the Tobacco in ſuch Notes contained, deducting the Allowance for Shrinkage and Waſtage, at Public Auction, at the Door of the Court-houſe, between the Hours of Twelve and Three; and the Inſpectors ſhall pay the Money ariſing by ſuch Sale, in Satisfaction of their Notes, from Time to Time, to the Proprietors thereof, making their Demand, under the ſame Penalty as is inflicted for not paying Inſpectors Notes: And all Inſpectors ſhall keep a juſt and true Account of the Tobacco gained or ſaved, upon the Allowance for Caſk, and for Shrinkage of tranſfer Tobacco; and if any Tobacco ſhall be gained or ſaved, ſhall exhibit an Account thereof, upon Oath, in the ſame Manner as is before directed concerning tranſfer Tobacco not received; and ſhall alſo ſell the Tobacco ſo gained and ſaved, in the ſame Manner as is directed for the Sale of tranſfer Tobacco: and ſhall account for the Money ariſing by ſuch Sale, to their County Court, in their next Account with the Court; and no Inſpector ſhall convert any Tobacco ſo gained to his own Uſe.

And Yearly to lay before the Court an account of all tranſfer Notes not taken in by the firſt of *October*, and to ſell ſuch Tob. and pay the Money in Satisfaction of ſuch Notes, to the Proprietors.

And to keep an Account of all Tob. ſaved.

Which ſhall be ſold, and the Money accounted for to the Court.

Inſpector annually to account

XL. *AND be it further Enacted, by the Authority aforeſaid*, That all Inſpectors ſhall, annually, at the next Court which ſhall be held for their County after the Firſt

First Day of *October*, account with the ſaid Court, upon Oath, for all Monies received, or which ſhall or ought to be received by them, by Virtue of this Act, (except the Money paid for Nails;) in which Account they ſhall be allowed their Salaries, and other neceſſary Diſburſements, in Purſuance of this Act.

A. D. 1754. with the Court for all Monies by them received.

XLI. AND for the better detecting of Inſpectors who ſhall not do their Duty, and the more ſpeedy and eaſy Examination into Complaints againſt them; *Be it further Enacted*, That any Two Juſtices of the Peace, not being Inſpectors, ſhall have full Power to hear all Complaints againſt any Inſpector within their County, and to take the Depoſitions of Witneſſes upon the Matter of ſuch Complaint, on both Sides, which ſhall be tranſmitted by them to their County Court, for their Determination; and moreover, any Two Juſtices ſhall have Power to viſit all or any of the Public Warehouſes within their County; and if they ſhall diſcover any Neglect in the Inſpectors, either in ſecuring the Tobacco, or in ſtowing the ſame away in a proper Manner, for ſaving the Room in ſuch Houſes, or that they do not keep a ſufficient Number of Hands for diſpatching the Buſineſs, or do not attend according to the Directions of this Act, and the Court, or that they are guilty of any other Breaches of their Duty, the ſaid Juſtices ſhall certify the Court thereof; and if any Inſpector ſhall be adjudged guilty of a Breach of his Duty, he ſhall be removed by the Court, and another appointed to ſucceed him, and ſhall for ever after be incapable of ſerving as an Inſpector: And if any Inſpector ſhall be removed from his Office, upon a Complaint and Proſecution againſt him in the Method by this Act preſcribed, he ſhall be liable to the Action on the Caſe of the Proſecutor, for his neceſſary Coſts and Expences in ſuch Proſecution, in which the Proſecutor ſhall recover his full Coſts of Suit; and every ſuch Inſpector ſhall moreover be liable to the Action of the Party grieved, for all Loſs and Damage that may happen or ariſe to any Perſon, by Occaſion of any Failure of Duty or Neglect of any ſuch Inſpector; in which Action, the Plaintiff ſhall recover his Coſts, altho' the Damages do not exceed Twenty-five Shillings.

Complaints againſt Inſpectors how to be heard and determined.

Pen. for Breach of Duty.

And liable to the Action of the Party grieved.

XLII. *AND be it Enacted, by the Authority aforeſaid*, That all the Penalties and Forfeitures in this Act contained, and not herein before particularly appropriated, ſhall be, one Moiety to our Sovereign Lord the King, his Heirs and Succeſſors; to be applied towards defraying the Charges of the Execution of this Act in the reſpective Counties wherein the Penalties or Forfeitures reſpectively ſhall accrue, and the other Moiety to the Perſon who ſhall inform or ſue for the ſame; and ſhall and may be recovered, with Coſts, by Action of Debt, Bill, Plaint, or Information, in any Court wherein they are cognizable, if above Twenty-five Shillings, Proclamation Money, and where the ſame does not exceed that Sum, before any Juſtice of the Peace of the County wherein the Offence ſhall be committed.

Penalties how to be applied.

And how recoverable.

XLIII. *AND be it further Enacted, by the Authority aforeſaid*, That when any Action ſhall be commenced, and proſecuted againſt any Sea-faring Perſon, founded on this Act, ſuch Perſon ſhall be compellable to give Bail to the Sheriff or other Officer, as if ſuch Action had been founded on Contract, and ſuch Perſon ſhall not be admitted to appear and plead to ſuch Action, until he ſhall have given Bail: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Actions brought againſt Sea faring Perſons, compelled to give Bail, and not to appear and plead before it is done.

A. D. 1754. Commencement and Continuance of this Act.

XLIV. *AND be it further Enacted*, That this Act ſhall commence and be in Force, from and after the Tenth Day of *June* next, and ſhall continue in Force until the Firſt Day of *October*, which ſhall be in the Year of our Lord One Thouſand Seven Hundred and Fifty-nine, and from thence to the End of the next Seſſion of Aſſembly.

CHAP. X.

An Act, to facilitate the raiſing Recruits to ſerve his Majeſty, in the intended Expedition againſt the French *on the* Ohio, *and guarding the Frontiers of this Province.* EXP.

CHAP. XI.

An Act, for appointing the ſeveral Ferries therein mentioned, and for obliging the Commiſſioners of the ſeveral Diſtricts to make Roads to the ſame.

Private.

I. WHEREAS a Ferry from the Town of *Wilmington* to the Point of Marſh at the Mouth of the *Thoroughfare*; alſo another at the upper End of a Bluff called *Mount-Miſery*, on the *Eaſt* Side of the *North-Weſt* Branch of *Cape-Fear* River, over to a Marſh oppoſite thereto, would be found very uſeful, not only to all Travellers, but alſo to the Inhabitants of *New-Hanover*, and the upper Counties:

II. WE therefore pray that it may be Enacted, *And be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That a Ferry from the Town of *Wilmington* to the Point of Marſh at the Mouth of the *Thoroughfare*, and another from the Upper End of the Bluff of *Mount-Miſery* aforeſaid, over to the Marſh oppoſite thereto, be, and are hereby appointed Public Ferries, to be rated by the Court of *New-Hanover* County.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners of the Roads for the *North-Eaſt* Branch of *Cape-Fear* River, as far up as *Burgaw* Creek, and ſo over to Widow *Moore*'s Creek on *Black* River, are hereby required, within Two Years from the Twenty-fifth Day of *March* next after the paſſing of this Act, to cauſe a Road to be made from the Point of Marſh at the Mouth of the *Thoroughfare*, oppoſite to the Town of *Wilmington*, to *Mount-Miſery*, on the *North-Weſt* River aforeſaid: And that the Commiſſioners of the Roads for the *North-Weſt* Diſtrict in *New-Hanover* County, are likewiſe hereby required, within Two Years from the Twenty-fifth Day of *March* next after the paſſing of this Act, to cauſe a Road to be made from the Marſh right oppoſite to *Mount-Miſery* aforeſaid, into the Road leading from the *North-Weſt* to the Town of *Brunſwick*.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe the Commiſſioners of the Roads for the ſeveral Diſtricts aforeſaid, or either of them, ſhall refuſe or neglect to make, or cauſe to be made, ſuch Roads as aforeſaid; then, and in ſuch Caſe, they, or either of them, ſo neglecting or refuſing, ſhall forfeit and

and pay the Sum of Fifty Pounds, Proclamation Money; to be recovered by Action of Debt, in the Supreme Court, by any Perſon who ſhall ſue for the ſame; wherein no Eſſoign, Injunction, Protection, or Wager of Law, ſhall be allowed or admitted of. A D. 1754

V. *AND be it further Enacted*, That one Fifth Part of the Fines and Forfeitures becoming due in Virtue of this Act, ſhall be to the Perſon or Perſons ſuing for the ſame; the other Four Fifths ſhall be applied by the County Court, for and towards making the Road in ſuch Diſtrict where the ſame ſhall and may become forfeited.

VI. AND to the End that the ſaid Roads may be laid out in the ſpeedieſt and beſt Manner; *Be it Enacted, by the Authority aforeſaid*, That the Commiſſioners aforeſaid, within their reſpective Diſtricts, ſhall, within Four Months next after paſſing this Act, ſtake, or cauſe to be ſtaked out, in the moſt direct and convenient Manner, according to the Intent of this Act, the High-Road from the preſent High-Road at the Branch next to the Houſe of Mr. *Job Howe*, on the *North-Weſt* Side thereof, to the Point oppoſite to *Mount-Miſery*; and from *Mount Miſery* to the Point oppoſite to *Wilmington:* And if the ſaid Commiſſioners, or any of them, ſhall not, within the Term of Four Months herein before preſcribed, ſtake out, or cauſe to be ſtaked out, the High-Road aforeſaid, according to the Directions of this Act, in ſuch Caſe it ſhall and may be lawful for the Juſtices of the Peace of the ſaid County, on Information being made to them of ſuch Diſobedience or Neglect of any of the ſaid Commiſſioners, at any Court to be held for the ſaid County, after the Expiration of the ſaid Four Months, to appoint ſuch Perſon or Perſons as the ſaid Court ſhall think proper, to lay and ſtake out the ſaid High-Road, according to the Intent and Meaning of this Act, at the Coſt and Charges of the Commiſſioners neglecting or refuſing to ſtake out the aforeſaid High-Road as herein is before directed; which Coſt and Charges ſhall and may be recovered by the Perſon or Perſons intitled to the ſame, by Action of Debt, Petition, or otherwiſe, in any Court of Record where the ſame is cognizable; and the High-Road ſo laid out by the Authority of the ſaid Court, ſhall be, to all Intents and Purpoſes, the High-Road, as effectually as if the ſame had been laid out by reſpective Commiſſioners of the Roads.

VII. AND whereas the ſaid High-Road will tend to the great Eaſe and Convenience, not only of the ſaid Diſtricts, but alſo to the Inhabitants of the Town of *Wilmington*, and of the Diſtricts adjacent, who have been long expoſed to great Hardſhips and Expences, and at ſometimes to the Danger of their Lives, from the Want of the ſaid Roads; *Be it therefore Enacted*, That as ſoon as the ſaid Road ſhall be ſtaked out, in Manner as herein before directed, it ſhall and may be lawful for the Inhabitants of the Town of *Wilmington*, and for the Inhabitants of any other Diſtrict in the County of *New-Hanover*, or in the County of *Bladen*, or any of them, to ſend, at any Time, proper for working on the ſaid High-Road, a Number of not leſs than Ten able Perſons, to work on the ſaid Road, under the Direction of ſuch an Overſeer as ſhall be approved by the Commiſſioners of the Diſtrict where they are to work, or the Majority of them; and every ſuch Overſeer

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ſeer certifying, or making Oath, if required, what Number of Perſons have wrought on the ſaid Roads, and for what Time ſuch Certificate ſhall be counterſigned by the Commiſſioners of the Roads where ſuch Work ſhall have been done, or the Majority of them, the like Number of Days ſhall be allowed to the Perſon or Perſons poſſeſſed of ſuch Certificate, out of the Work that otherwiſe would have been due from him or them within his or their reſpective Diſtricts; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

CHAP. XII.

See Act paſſed *May* 1757, Ch. III. and *Nov.* 1762, Chap. XXIV, for further continuing and amending this Act.

An Act, to eſtabliſh a Public Ferry from Newbey's *Point to* Phelps's *Point, whereon the Court-houſe now ſtands on* Perquimons *River.*

Private.

I. WHEREAS the Court-houſe in *Perquimons* County, is now ſituated on *Phelps*'s Point, on the *Weſt* Side of *Perquimons* River, and the Inhabitants on the *Eaſt* Side of the ſaid River are obliged to attend at the ſaid Court-houſe during the Sitting of the Court, the Election of Members of Aſſembly, and Veſtrymen for the ſaid County, are at the Expence of Ferriage in paſſing and repaſſing the ſaid River, when the Inhabitants on the *Weſt* Side of the ſaid River are not liable to that Expence: For Remedy whereof for the future;

II. *B E it Enacted, by the Governor, Council, and Aſſembly*, That the Juſtices of the ſaid County, or the Majority of them, aſſembled in Court, are hereby authorized, impowered, and required, Yearly, and every Year, at the next Court to be held for the ſaid County, after the firſt Day of *May*, to lay a Tax, not exceeding Two Pence Proclamation Money, on each Taxable Perſon in the ſaid County, to be collected and accounted for with the Juſtices of the ſaid County, by the Sheriff of the ſaid County, as other Taxes of the ſaid County are to be collected and accounted for, and under the like Penalties and Forfeitures; to be by them applied and appropriated, as a Premium or Reward to the ſeveral Ferrymen now appointed, or hereafter to be appointed by the Court of the ſaid County, to keep a Ferry from *Newbey*'s Point, to *Phelps*'s Point, and from the ſaid Court-houſe; for which they ſhall, and are hereby obliged, to ſet over, Ferriage free, all Perſons reſident in the ſaid County, going to, and returning from the ſaid Court, the Election of Burgeſſes, and Veſtrymen, and Muſters of the ſaid Court.

III. *A N D be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the ſaid County are hereby authorized, impowered, and required, out of the Monies ariſing by the Tax ſo laid and collected as aforeſaid, Yearly, and every Year, to allow and pay to the ſeveral Ferrymen attending at the Ferry aforeſaid, ſuch Sums of Money as they ſhall think reaſonable, for their Trouble, in tranſporting all Perſons as ſhall or may have Occaſion to attend at the ſaid Court-houſe, on the Days and Times aforeſaid.

IV. *A N D be it further Enacted, by the Authority aforeſaid*, That the Ferrymen that now are appointed, or ſhall be hereafter appointed, by the Court of the ſaid County, to keep Ferry at *Newbey's* Point, and *Phelps*'s Point, are hereby required, to

to ferry over the ſaid River, free of any Expence, all Perſons reſident in the ſaid County, during the Sitting of the ſaid Court; and alſo, all Perſons whatever, on the Days of Election of Members of Aſſembly, and Veſtrymen; and alſo, all Perſons going to and from Muſters in the ſaid County; under the Penalty of forfeiting, to the Party refuſed or neglected, the Sum of Ten Shillings, Proclamation Money, for each Neglect or Refuſal; to be recovered by a Warrant, on Proof made, before any Juſtice in the ſaid County. A. D. 1754.

V. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Juſtices of the ſaid Court, to take Bond and Security of the ſaid Ferry-keepers, in the Sum of Twenty Pounds, Proclamation Money, for their due and faithful Performance of the aboveſaid Act; and that all Fines becoming due by Virtue of this Act, ſhall be paid to the Juſtices of the ſaid Court, to be by them applied towards leſſening the County Tax.

VI. *AND be it further Enacted*, That this Act ſhall continue and be in Force for and during the Term of Two Years, from and after the paſſing thereof, and from thence to the End of the next Seſſion of Aſſembly.

CHAP. XIII.

An Act, to amend an Act, intituled, An Act, for deſtroying Vermin in this Province. REP.

CHAP. XIV.

An Act, to repeal an Act, paſſed by the General Aſſembly held at Newbern *the Sixth Day of* April, *in the Year of our Lord One Thouſand Seven Hundred and Forty-eight, intituled*, An Act, to prevent the Exportation of raw Hides, Pieces of Hides, and Calf Skins, out of this Government.

I. WHEREAS an Act paſſed by the General Aſſembly held at *Newbern*, the Sixth Day of *April*, in the Year of our Lord One Thouſand Seven Hundred and Forty-Eight, intituled, *An Act, to prevent the Exportation of raw Hides, Pieces of Hides, and Calf Skins, out of this Government*, is found, by Experience, to be very inconvenient and prejudicial, in many Reſpects, to the Inhabitants of this Province, and not to anſwer the good Ends intended thereby: Therefore, Recital.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the aforeſaid Act, and every Matter and Thing therein contained, ſhall be, and is repealed, determined, made void, and of none Effect and Force, as if the ſame had never been made. Act repealed.

A. D. 1754.

CHAP XV.

An Act, to prevent malicious Maiming and Wounding.

Preamble.

I. WHEREAS many miſchievious and ill-diſpoſed Perſons, have of late, in a malicious and barbarous Manner, maimed, wounded, and defaced many of his Majeſty's Subjects: For the Prevention of which inhuman Practices;

Malicious maiming prevented.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That if any Perſon or Perſons, from and after the Ratification of this Act, on Purpoſe, ſhall unlawfully cut out, or diſable the Tongue, put out an Eye, ſlit the Noſe, bite or cut off a Noſe or Lip, bite or cut off or diſable any Limb or Member of any Subject of his Majeſty, in ſo doing to maim or disfigure, in any of the Manners before mentioned ſuch his Majeſty's Subjects; that then, and in every ſuch Caſe, the Perſon or Perſons ſo offending, their Councellors, Abettors, and Aiders, knowing of, and privy to the Offence as aforeſaid, ſhall be, and are hereby declared to be Felons, and ſhall ſuffer as in Caſe of Felony: *Provided*, that no Attainder of ſuch Felony ſhall extend to corrupt the Blood, or forfeit the Dower of the Wife, or the Lands, Goods or Chattels, of the Offender.

CHAP. XVI.

An Act, to confirm an Agreement, made by the preſent Churchwardens and Veſtry of Chriſt-Church *Pariſh, in* Craven *County, with the Reverend* James Reed.

Private.

I. WHEREAS the Churchwardens and Veſtry of the Pariſh of *Chriſt-Church*, heretofore ſent to *England*, an Order of Veſtry of the ſaid Pariſh, thereby promiſing, amongſt other Things, the Sum of One Hundred and Thirty-three Pounds Six Shillings and Eight-pence, Proclamation Money, *per Annum*, to be paid to a Miniſter of the Church of *England*, in Conſideration of having Divine Service performed at the Church of the Pariſh aforeſaid, and at the ſeveral Chappels within the ſaid Pariſh, at the ſeveral Times herein ſpecified: And whereas, in Conſequence of the ſaid Order, the ſaid Reverend *James Reed*, at great Charges and Expence, tranſported himſelf from *England* hither, and hath officiated and performed Divine Service at the ſaid Church, and at the ſeveral Chappels within the ſaid Pariſh, One Year and upwards, to the Approbation of the ſaid Pariſh; and the ſaid Churchwardens and Veſtry, having contracted and agreed with the ſaid *James Reed*, that they will give and pay unto him, during the Time he ſhall continue to perform Divine Service at the Church of the ſaid Pariſh in *Newbern*, and at the ſeveral Chappels within the ſaid Pariſh now erected, the Sum of One Hundred and Thirty-three Pounds Six Shillings and Eight-pence, Proclamation Money, *per Annum*, and find and provide a good Glebe-houſe, Kitchen, and other neceſſary Houſes, on a Lot in *Newbern*, and the ſaid Lot to be well and ſufficiently paled in; in Conſideration of which, the ſaid *James Reed* covenanted to perform Divine Service at the ſaid Pariſh Church in *Newbern*, all *Sundays* in the Year, except ſuch as he ſha

ſhall be attending the Chappels within the ſaid Pariſh, or have Leave from the Veſtry to be abſent; at each of which ſaid Chappels the ſaid *James Reed* ſhall attend and perform Divine Service, Three Times in each Year: Therefore, A. D. 1754.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the ſaid Contract ſo made by and between the ſaid *Jawes Reed*, and the ſaid Churchwardens and Veſtry of the Pariſh of *Chriſt-Church* aforeſaid, is hereby confirmed, and ſhall be good and valid in Law, and ſhall be binding, to all Intents and Purpoſes, as well on the ſaid *James Reed* as on the ſaid Churchwardens and Veſtry, and their Succeſſors, Churchwardens and Veſtry of the ſaid Pariſh.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.

MATTHEW ROWAN, Preſident.

JOHN CAMPBELL, Speaker.

A. D. 1755.

ANNO REGNI GEORGII II,

Regis, *Magnæ Britanniæ, Franciæ, & Hiberniæ,* Viceſſimo Nono.

ARTHUR DOBBS, Eſq; Governor.

At a General ASSEMBLY, begun and held at *Newbern*, on the Twelfth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-four, and from thence continued, by ſeveral Prorogations, to the Twenty-fifth Day of *September*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-five: Being the Second Seſſion of this Aſſembly.

CHAP. I.

This Act had its Effect.

An Act, for granting a further Aid to his Majeſty, to repel the French, *and* Indians *in their Alliance, from their Encroachment on his Majeſty's Territories in* America; *and other Purpoſes.*

CHAP. II.

See Act paſſed *Nov.* 1759. Ch. V, for amending this Act.

An Act, for appointing Sheriffs, and directing their Duty in Office; and for compelling Collectors of Public Taxes, and Perſons intruſted with laying out Public Money, to apply and account for the ſame.

Preamble.

I. WHEREAS the Laws now in Force for appointing Sheriffs, and directing their Duty in Office, have been found greatly defective; and there is at preſent no Law, whereby thoſe who have been inveſted with the Power of applying Public Money, or the Collectors of the ſame, can be compelled to a ſpeedy Execution

Execution of the ſaid Truſts; by Occaſion whereof, the Public hath been greatly defrauded, and the Faith thereof much depreciated: For Remedy whereof, A. D. 1755.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and it is hereby Enacted, by the Authority of the ſame*, That every County Court of this Government, ſhall, annually, between the Firſt Day of *March* and the Firſt Day of *June*, recommend to the Governor or Commander in Chief of this Province, Three ſuch Perſons as they ſhall think moſt fit, being Freeholders of ſufficient Circumſtances, to execute the Office of Sheriff; one of which Perſons ſo recommended, ſhall thereupon be commiſſioned by the Governor or Commander in Chief, to execute the Office of Sheriff for that County for the then next enſuing Year; but if at any Time any County Court ſhall neglect or refuſe to make ſuch Recommendation, or if the Perſon recommended ſhall refuſe to act, in either of thoſe Caſes, it ſhall and may be lawful for the Governor or Commander in Chief, and he is hereby authorized and required, to appoint, and by his Commiſſion, conſtitute, any Freeholder of ſuch County, having Circumſtances of Ability as aforeſaid, to be Sheriff thereof: And if any Sheriff, appointed upon Recommendation as a foreſaid, ſhall happen to die in the Time of his Sheriffalty, the Governor or Commander in Chief, may, and is hereby impowered, to appoint one of the Survivors, recommended with the Perſon deceaſed, to be Sheriff in his Room; and when any Sheriff appointed upon Neglect of Recommendation, happens to die in Office, any Freeholder of ſufficient Circumſtances, may and ſhall be commiſſioned in his Stead.

Manner of appointing Sheriffs.

III. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon ſhall be compellable to ſerve as Sheriff longer than One Year, and until the next ſucceeding Court after Expiration thereof, unleſs before ſuperceded, and no longer; and every Perſon accepting a Sheriff's Commiſſion, ſhall, before his entering into, or executing his Office, publicly, before his County Court, take the Oaths appointed, or which ſhall be appointed by Act of Parliament, for the Qualification of Public Officers, repeat and ſubſcribe the Teſt, and alſo take the following Oath, *to wit*,

No Perſon to ſerve as Sheriff longer than One Year; and to take the Oaths of Government; and alſo

I A. B. *do ſolemnly ſwear, That I will, truly and faithfully, execute the Office of Sheriff of the County of to the beſt of my Knowledge and Ability, agreeable to Law; and that I will not take, accept, or receive, directly or indirectly, any Bribe, Gift, Fee or Reward, whatſoever, for returning any Man to ſerve as a Juror on any Jury, or for making any falſe Return of Proceſs to me directed, during my Continuance in the ſaid Office.* So help me God.

This Oath.

And alſo ſhall enter into one Bond, before the Juſtices of his County Court, with Two or more good and ſufficient Securities, in the Penalty of One Thouſand Pounds *Sterling*, with Condition in the Form following, *to wit*,

And give Bond, with

THE Condition of the above Obligation is ſuch, That whereas the above-named *A. B.* is conſtituted and appointed Sheriff of the County of during Pleaſure, by a Commiſſion from the Governor, under the Seal of this Province, dated the Day of laſt paſt; if therefore the ſaid *A. B.* ſhall well and truly execute, and due Return make of all Proceſs and Precepts to him directed,

This Condition.

A. D. 1755. and pay and ſatisfy all Fees and Sums of Money by him received or levied, by Virtue of any ſuch Proceſs, into the proper Office, by which the ſame, by the Tenor thereof, ought to be paid, or to the Perſon or Perſons to whom the ſame are due, his or their Executors, Adminiſtrators, Attornies, or Agents, and in all other Things, well, truly, and faithfully, execute the ſaid Office of Sheriff, during his Continuance therein; then the above Obligation is to be void; otherwiſe to remain in full Force and Virtue.

Alſo another Bond, with

And ſhall alſo enter into one other Bond, before ſuch Court; and, with the like Security, in the Sum of One Thouſand Pounds *Sterling*, with a Condition in the following Form, *to wit*,

This Condition.

THE Condition of the above Obligation is ſuch, That whereas the above bound *A. B.* is conſtituted and appointed Sheriff of the County of during Pleaſure, by Commiſſion from the Governor, under the Seal of the Province, dated the Day of laſt paſt; if therefore the ſaid *A. B.* ſhall well and truly collect and receive all ſuch Public Taxes and Dues as are, or which ſhall be appointed by Act of Aſſembly, to be paid by the taxable Perſons within his Bailiwick, during his continuing Sheriff thereof, and duly account for, and pay the ſame to ſuch Perſon or Perſons, and at ſuch Times, as by Law are, or ſhall be limited and directed: Then the above Obligation is to be void and of no Effect; otherwiſe to remain in full Force and Virtue.

Which Bonds, County Courts are to take, payable to his Majeſty; and Perſons injured may, in the Name of his Majeſty, recover their Damages on the firſt mentioned Bond.

Which ſaid Bonds and Securities, every County Court reſpectively, is hereby impowered and required to demand and take, and cauſe to be acknowledged before them, in open Court, and recorded; the Firſt of which ſaid Bonds ſhall be made payable to his Majeſty, his Heirs and Succeſſors; and that in the Name of his Majeſty, and his Succeſſors, any Perſon or Perſons injured, may and ſhall, at his, her, or their proper Coſts and Charges, commence and proſecute a Suit or Suits on the ſaid firſt mentioned Bond, againſt the Parties therein bound, their Executors or Adminiſtrators; and ſhall and may recover all Damages which he, ſhe, or they may have ſuſtained, by Reaſon of the Breach of the Condition of ſuch Bond: And the ſaid laſt mentioued Bond ſhall be made payable to the Governor or Commander in Chief for the Time being, and his Succeſſors; and that in the Name of the Governor or Commander in Chief, or his Succeſſor, the Treaſurer of the Diſtrict may and ſhall commence and proſecute Suits on ſuch laſt mentioned Bond, againſt the Parties therein bound, their Executors or Adminiſtrators; and ſhall and may recover, for the Uſe of the Public, ſuch Damages as the Public ſhall or may have ſuſtained, by Means of a Breach of the Condition of ſuch Bond: And ſuch Bonds ſhall not become void upon the Firſt Recovery, or if Judgment ſhall be given againſt the Plaintiff or Plaintifs who ſhall ſue on ſuch Bonds reſpectively, but may be put in Suit, and proſecuted, from Time to Time, for the Benefit of the Public in the one Caſe, and for the Benefit, and at the proper Coſts and Charges of any Party injured, in the other, until the whole Penalty of the Bond ſued ſhall be recovered.

Laſt mentioned Bond, payable to the Governor; and the Treaſurer of the Diſtrict may, in the Name of the Governor, commence Suits for Breach of it; for the Uſe of the Public.

IV. *PROVIDED always*, That if any Verdict or Judgment ſhall paſs for ſuch

ſuch Sheriff, or his Securities, the Perſon at whoſe Inſtance ſuch Suit ſhall be commenced, ſhall pay ſuch Sheriff, or his Securities, their Coſts; and the Court before which ſuch Suit ſhall be brought, ſhall and may award Execution for the ſame.

If Judgment paſs for Sheriff, Plant. to pay Coſts.

V. *AND be it further Enacted*, That every Sheriff who ſhall be in Office on the firſt Day of *March* next, after the paſſing this Act, ſhall, at the firſt Court to be held for his County thereafter, enter into ſuch Bonds, with Securities, as by this Act is directed to be given, by a Perſon accepting the Office of Sheriff, upon Recommendation of the County Court, or otherwiſe; and if any Perſon who ſhall hereafter be appointed Sheriff purſuant to this Act, ſhall refuſe to accept and execute ſuch Commiſſion to him directed, he ſhall forfeit and pay the Sum of Eight Pounds Proclamation Money, to the Uſe of the Public; to be recovered, in the Name of the Governor, or Commander in Chief, with Coſts, by the Treaſurer of the Diſtrict wherein the Perſon ſo refuſing ſhall reſide, by Action of Debt, Bill, Plaint, or Information: And every Sheriff who ſhall be in Office on the aforeſaid firſt Day of *March*, that ſhall neglect or refuſe to give Bond, with Security, as herein before directed, ſhall incur the like Penalty; to be recovered in the ſame Manner, and to the ſame Uſe as aforeſaid.

Every Sheriff in Office, on the 1ſt of *March* next, to enter into Bonds.

Penalty on Perſons refuſing to act.

And thoſe in Office, refuſing to give ſuch Bonds.

VI. *PROVIDED neverthelefs*, That if any Perſon hereafter appointed to execute the Office of Sheriff in any County in this Province, ſhall be willing to execute the ſame, but cannot get ſufficient Security as by this Act is required, and ſhall make Oath, in the Court of the County for which he ſhall be appointed Sheriff, that he hath uſed his beſt Endeavours without Fraud or Colluſion, to get ſuch Security; that then ſuch Perſon ſhall not incur the Penalty aforeſaid: Any Thing herein contained to the contrary, notwithſtanding.

Except where they ſwear, on their Appointmt. that they cannot procure Security.

VII. *PROVIDED alſo*, That any Sheriff who ſhall be in Office on the aforeſaid firſt Day of *March*, and ſhall be willing to give ſuch Securities as aforeſaid, and cannot procure the ſame, and ſhall make Oath thereof in Manner herein before mentioned; that then ſuch Sheriff ſhall not be ſubject to the ſaid Penalty; any Thing herein contained to the contrary, notwithſtanding.

And alſo, where thoſe in Office on the ſaid 1ſt of *March*, ſwear the ſame.

VIII. *PROVIDED likewiſe*, That no Member of his Majeſty's Council, a Member of the Aſſembly, or elected as ſuch, ſhall be obliged to execute the Office of Sheriff; any Thing in this Act contained to the contrary, notwithſtanding.

Perſons exempted from being appointed Sheriff.

IX. *AND be it futhrer Enacted*, That if any Sheriff hath neglected or refuſed, or ſhall hereafter neglect or refuſe, to account for, and pay the ſeveral Public Taxes that have been, or hereafter ſhall be impoſed on the Taxable Perſons of the County of ſuch Sheriff, and wherewith he ſhall be chargeable, according to the Directions of the Act or Acts of Aſſembly impoſing the ſame, after deducting the Commiſſions allowed him by Law, and the ſeveral Sums chargeable to Perſons who have no viſible Eſtate in his County; it ſhall and may be lawful for the Supreme Court of the Diſtrict wherein ſuch Sheriff ſhall live, upon a Motion of the Treaſurer of the Diſtrict, to give Judgment againſt ſuch Sheriff, for all the Money wherewith he is or ſhall be chargeable, by Virtue of any Act or Acts of Aſſembly as aforeſaid, with Coſts;

Sheriff neglecting to pay all Monies for which he is accountable, Supreme Crt. may, on Motion of the Treaſurer, give Judgment for the ſame; ſuch Sheriff having Ten Days Notice of ſuch Motion.

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On Suit againſt any Sheriff on the laſt mentioned Bond, an atteſted Copy of the Liſt of Tithables of his County, to be given in Evidence againſt him.

X. *AND be it further Enacted, by the Authorty aforeſaid*, That upon the Tryal of any Cauſe on the ſaid laſt mentioned Bond, wherein Iſſue ſhall be joined, upon Performance of the Condition thereof; or where a Writ of Enquiry of Damages ſhall be executed, upon any Breach of the ſame aſſigned, or where a Motion ſhall be made againſt the Sheriff as aforeſaid; it ſhall be ſufficient to aſcertain the Sum wherewith the Sheriff ſtands chargeable, for the Treaſurer to give in Evidence an atteſted Copy of the Liſt of Taxables in the County of the Sheriff ſo ſued or moved againſt; and ſhall recover for the whole Taxables contained in ſuch Liſt, deducting only the Commiſſions by Law allowed him, and for ſuch Perſons who have no viſible Eſtate in his County; any Law, Uſage or Cuſtom to the contrary, notwithſtanding.

Except where ſuch Sheriff has ſettled with his County Court, and then he may give ſuch Settlement in Evidence.

XI. *PROVIDED always*, That if ſuch Sheriffs ſhall, before the Commencement of ſuch Suit, or hearing ſuch Motion, have ſettled with the Court of his County for the County Tax, and obtained an Allowance for ſuch Perſons who have no viſible Eſtate therein; an atteſted Copy of ſuch Settlement may alſo be given in Evidence by the Defendant.

Co. Court Clerks annually to give Treaſurers an alphabetical Liſt of Tithables.

Pen. for Neglect.

XII. *AND be it Enacted*, That the Clerk of each County Court ſhall, on or before the firſt Day of *March*, annually, tranſmit to the Treaſurer of the Diſtrict where ſuch Clerk ſhall live, a true Copy of the Liſt of Taxables of the ſaid County, filed with him, alphabetically digeſted; for which Service, he ſhall be paid by the ſaid Treaſurer the uſual Fee, which ſhall be by him charged to the Public in his Account; and every Clerk failing or neglecting to perform his Duty herein, ſhall, for each Offence forfeit and pay Twenty Pounds Proclamation Money; one Half to the Informer, and the other Half to the Governor or Commander in Chief, for the Uſe of the Public: To be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record, with Coſts.

Pen. on Sheriff failing to execute all Proceſs to him directed, or making falſe Return.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That every Sheriff, himſelf, or by his lawful Officers or Deputies, ſhall, from Time to Time, execute all Writs, and other Proceſs to him legally iſſued and directed, within his County, or upon any Bay, River, or Creek adjoining thereto, and make due Return thereof; under the Penalty of forfeiting Five Pounds, Proclamation Money, for each Neglect, where ſuch Proceſs ſhall be delivered to him Twenty Days before the Sitting of the Court to which the ſame is returnable; to be paid to the Party grieved, by Order of ſuch Court upon Motion and Proof of ſuch Delivery; unleſs ſuch Sheriff can ſhew ſufficient Cauſe to the Court, at the next ſucceeding Court after ſuch Order; and for every falſe Return, the Sheriff ſhall forfeit and pay Ten Pounds Proclamation Money; one Moiety thereof to the Party grieved, and the other Moiety to him or them that will ſue for the ſame: To be recovered with Coſts, by Action of Debt, Bill, Plaint, or Information, in any Court of Record; and moreover be further liable to the Action of the Party grieved, for Damages: And no Sheriff ſhall return, upon any Writ, that the Defendant is not to be found within his Bailiwick, unleſs

Non eſt not to be returned, till

ſuch

ſuch Sheriff ſhall have actually been at the Houſe or Place of Abode of ſuch Defendant: And where any Defendant ſhall be a known Inhabitant of another County than that of the Sheriff to whom ſuch Proceſs ſhall be directed, the Sheriff ſhall return the Truth of the Caſe; and thereupon an *Alias* ſhall iſſue, directed to the Sheriff where ſuch Defendant reſides, if the original Proceſs ſhall iſſue from a Supreme Court; and no Variance of the Addition of the Place of Abode of the Defendant, ſhall be deemed Error, or Matter of Abatement.

Sheriff has been at Defendant's Place of Abode. Defendant an Inhabitant of another County, Sheriff to return the Caſe truly; whereupon an *Alias* may iſſue to ſuch County.

XIV. *PROVIDED always*, That it ſhall not be lawful for any Sheriff, or other Officer, to execute any Writ, or other Proceſs, upon a *Sunday*, or upon any Perſon attending his Duty at any Muſter of the Militia, or any Election of a Burgeſs or Burgeſſes, or on any Perſon ſummoned to attend as an Evidence; and that all Proceſs ſo executed, ſhall be illegal and void; unleſs the ſame be iſſued againſt any Perſon or Perſons for Treaſon, Felony, Riot, Reſcous, Breach of the Peace, or upon an Eſcape out of Priſon or Cuſtody; and ſuch Proceſs ſhall and may be executed at any Time or Place.

No Proceſs to be executed on *Sunday*, or on Perſons attending Muſters, or Elections, or ſummoned as Evidence; except for Felony, &c.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall not be lawful for any Sheriff, or his Officer, or Deputy, to take any Obligation, of or from any Perſon or Perſons in his Cuſtody, for or concerning any Matter or Thing relating to his Office, otherwiſe payable than to himſelf as Sheriff, and diſchargeable upon the Priſoner's Appearance, and rendering himſelf at the Day and Place required in the Writ, whereupon he was, or ſhall be taken or arreſted, (and his Securities diſcharging themſelves therefrom, as ſpecial Bail of ſuch Priſoner) or ſuch Perſon or Perſons keeping within the Limits and Rules of any Priſon: And that every other Obligation by any Sheriff taken in other Manner or Form by Colour of his Office, ſhall be null and void; except in any ſpecial Caſe, any other Obligation is, or ſhall be by Law particularly and expreſsly directed; and that no Sheriff ſhall demand, exact, take or receive, any greater Fee or Reward whatſoever; nor ſhall have any Allowance, Reward or Satisfaction from the Public for any Service by him done, other than the Sum of Ten Pounds, Proclamation Money, for *ex-officio* Services; and the Allowances given and provided, or which ſhall be from Time to Time given and provided by Law.

Sheriff to take Bail Bonds, payable to himſelf only, diſchargeable on Priſoners Appearance, &c.

And to take no other Fee or Reward than by Law allowed.

XVI. AND whereas Sherifs and other Collectors of Taxes, have diſcovered ſome Taxables not inliſted, and have demanded and received the Taxes from them, and retained the ſame to their own Uſe; *Be it therefore Enacted, by the Authority aforeſaid*, That all Sherifs and Collectors ſhall hereafter account, on Oath, for all ſuch Taxes by them received, to the reſpective Treaſurers, County Courts, or Veſtries, as the Caſe may be; which ſhall be applied to the Uſe of the Public, County, or Pariſh, accordingly.

Taxes received of Perſons not inlifted, to be accounted for on Oath by Collectors.

XVII. *AND be it further Enacted*, That where any Perſon or Perſons, chargeable with any Public or County Taxes, ſhall not diſcharge the ſame within the Time limited by Law for the Payment thereof, it ſhall be lawful for the Sheriff to diſtrain any of the Slaves, Goods and Chattels, belonging to, or in the Poſſeſſion of the Perſon owing or chargeable with ſuch Taxes; and if the Owner thereof ſhall not, within

Perſons neglecting to pay their Taxes, Sheriff may diſtrain for the ſame.

Method of Diſtreſs.

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within Five Days after ſuch Diſtreſs, pay and ſatisfy the Taxes due, ſuch Sheriff ſhall and may lawfully ſell, by Auction, the Slaves, Goods and Chattels, diſtrained, or ſo much thereof as ſhall be ſufficient to ſatisfy the ſaid Taxes, and the Charges of Diſtreſs and Sale; but ſhall give Notice of the Day and Place of the Sale, at the Church of the Pariſh wherein ſuch Diſtreſs ſhall be made, by ſetting up a Note thereof before the Service begins, at ſome convenient or uſual Place near ſuch Church, and by publiſhing the ſame in the Church-Yard immediately after Divine Service, on the next *Sunday* after the Expiration of Five Days; which Sale ſhall not be in leſs than three, nor more than Six Days after Notice ſo given; and ſhall be good and effectual in Law, againſt all and every Perſon and Perſons whatſoever, claiming, or pretending to claim, any Right, Title, or Intereſt, in or to any of the ſaid Slaves, Goods or Chattels.

Sheriff removed before fully collecting, ſucceeding Sheriff to collect the Taxes in Arrear, in Manner aforeſaid, and be accountable for the ſame as aforeſaid.

XVIII. *AND be it further Enacted*, That where the Sheriff of any County ſhall die or be removed from his Office, before he ſhall have finiſhed his Collection of Public and County Taxes, it ſhall be lawful for the ſucceeding Sheriff or Sheriffs to make Diſtreſs for the ſame, upon the Slaves, Goods and Chattels, of the Perſon or Perſons chargeable with ſuch Taxes, and ſo make Sale thereof in the Manner by this Act before directed; and ſo be accounted for, upon Oath, by ſuch Sheriff, to the Treaſurer, or County Court, as the Caſe may be; and upon Refuſal or Neglect of ſuch Sheriff to account for the ſame in Manner aforeſaid, the Treaſurer, and County Courts reſpectively, ſhall and may have the like Remedy, Proceedings, and Relief, againſt him and his Securities, as may or can be had againſt ſuch Sheriff, for other Public or County Taxes, which he ſhall or ought to collect.

Diſtreſs not to be made on Slaves, where other Diſtreſs can be had.

XIX. *PROVIDED always*, That no Sheriff ſhall at any Time make or take unreaſonable Diſtreſs, or ſeize the Slave or Slaves of any Perſon, for any Public or County Taxes, or for Officers Fees, if other ſufficient Diſtreſs can be had; upon Penalty of being liable to the Action of the Party grieved, grounded upon this Act; wherein the Plaintiff ſhall recover full Coſts, altho' the Damages given, do not exceed Twenty-five Shillings, Proclamation Money.

Method of apprehending Priſoners, on Meſne Proceſs, eſcaping from Goal.

XX. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon committed, rendered, or charged in Execution, or upon Meſne-Proceſs, to any Priſon, ſhall thence eſcape, it ſhall and may be lawful to and for any Juſtice of the Peace of the County where ſuch Priſoner was in Cuſtody, upon Oath of ſuch Eſcape, before him made by the Sheriff, Under-Sheriff, Goaler, or other credible Perſon, to grant to any one demanding the ſame, one or more Warrant or Warrants, under his Hand and Seal, directed to all Sheriffs, Bailifs, and Conſtables, whithin this Province, reciting the Cauſe of ſuch Priſoner's Commitment, and Time of his or her Eſcape; and commanding them, and every of them, in their reſpective Counties and Precincts, to ſeize and retake ſuch Priſoner ſo eſcaped, or going at large; and being ſo taken, forthwith to convey and commit to the Priſon where Debtors are uſually kept, in the County where ſuch Retaking ſhall be, there to be kept, in ſafe Cuſtody, until he or ſhe be thence diſcharged by due Courſe of Law; which Warrant, the Sheriff is hereby required to obey, and to receive the Priſoner into his ſafe Cuſtody; and to give a Note to the Perſon or Perſons delivering him, her, or them, certifying

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certifying his Receipt of ſuch Priſoner; and ſhall alſo make Return of the Execution of ſuch Warrant, to the Court of the County from whence ſuch Priſoner eſcaped: And if he or ſhe was there in Cuſtody charged in Execution, then the ſaid Sheriff ſhall ſafely keep him or her, without Bail or Mainprize, until he or ſhe ſhall make full Payment and Satisfaction to the Plaintiff or Plaintifs, Creditor or Creditors, in whoſe Name ſuch Execution was iſſued out, or until the Judgment or Judgments obtained againſt him or her, ſhall be reverſed or diſcharged by due Courſe of of Law: And if any ſuch Priſoner ſhall have been in Cuſtody upon Meſne-Proceſs, in any Action of Debt, or upon the Caſe, the Sheriff to whom he or ſhe ſhall be ſo committed, ſhall in like Manner, keep ſuch Priſoner in his ſafe Cuſtody, and make Return of the Execution of the Warrant by which he or ſhe was retaken, to the Court of that County wherein he or ſhe was firſt arreſted; and thereupon it ſhall be lawful for the ſaid Court, upon the Plaintif's filing his Declaration, and entering the Defendant's Appearance, to proceed to give Judgment thereon, in the ſame Manner as if the Defendant had appeared in the ſaid Court, and refuſed to plead; unleſs ſuch Defendant ſhall cauſe ſpecial Bail to be entered in the ſaid Court, and ſhall immediately plead to iſſue; and thereupon a Certificate, under the Hand of the Clerk of the ſaid Court, that ſuch Bail is given, delivered to the Sheriff in whoſe Cuſtody ſuch Defendant ſhall then be, it ſhall be lawful for him to ſet at large ſuch Priſoner, and not otherwiſe: But where any Priſoner eſcaped, and retaken upon ſuch Warrant as aforeſaid, ſhall thereafter be charged with Treaſon, Felony, or other Capital Crime, in Behalf of his Majeſty, or his Succeſſors, for which he or ſhe ought to be tried in one of the Supreme Courts of this Province; and ſhall be, for ſuch Cauſe, removed to any Goal of ſuch Court; every ſuch Priſoner ſhall be charged in ſuch Goal, with all the Cauſes wherewith he or ſhe ſtood charged in the Goal from whence he or ſhe eſcaped, or was removed, until he or ſhe be thence delivered by due Courſe of Law; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

And if on Execution, to be kept in Goal till Satisfaction of the Debt, or Judgment reverſed.

If on Meſne-Proceſs, Sheriff to keep ſuch Priſoner in Cuſtody, and Court may proceed to Judgment, unleſs he enter ſpecial Bail in ſuch Court, and then to be diſcharged.

Where ſuch Priſoner ſhall be charged with Felony, &c. and removed to the Supreme Court, to ſtand charged in ſuch Court alſo, with all Cauſes wherewith he ſtood charged in the Crt. from whence his Removal ſhall be.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Sheriff, or other Officer, hath made, or ſhall make any Return upon any Writ of *Fieri Facias*, or *Venditioni Exponas*, that he hath levied the Debt, Damages, and Coſts, or Fees, as in ſuch Writ required, or any Part thereof, and hath not, or ſhall not pay the ſame into the proper Office, or to the Party to whom the ſame is payable, or his Attorney, at the Return of ſuch Writ; or hath, or ſhall return upon any Writ of *Capias ad Satisfaciendum*, or Attachment, for not performing a Decree in Chancery, for the Payment of any Sum of Money, or other Matter, that he hath taken the Body or Bodies of any Defendant or Defendants, and hath the ſame ready to ſatisfy the Money, or other Matter, in ſuch Writ mentioned; and ſhall have actually received the Money, or other Matter, from the Defendant or Defendants, or any Part thereof; or ſuffered him, her, or them, to eſcape, with the Conſent of ſuch Sheriff, or Officer, and hath not, or ſhall not pay the ſame into the proper Office, or to the Party to whom the ſame is payable, or his Attorney; that then, and in either of the ſaid Caſ it ſhall and may be lawful for the Creditor, at whoſe Suit ſuch Writ of *Fieri Facias*, *Venditioni Exponas*, *Capias ad Satisfaciendum*, or Attachment, hath, or ſhall iſſue, upon a Motion made in the Court from whence ſuch Writ iſſued, or in the Supreme Court of the Diſtrict wherein ſuch Sheriff ſhall reſide, to demand Judgment againſt ſuch Sheriff, or other Officer, for the Money, or other Matter,

Method of obtaining Judgment againſt Sheriffs or other Officers, failing to pay all Monies by them received in Virtue of any Proceſs to them directed, or ſuffering Perſons to eſcape.

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Matter, mentioned in ſuch Writ; and ſuch Court is hereby authorized and required, to give Judgment accordingly for the ſame, with Coſts, and to award Execution againſt the Goods, Chattels, Lands, and Tenements of ſuch Sheriff; provided ſuch Sheriff have ten Days previous Notice of ſuch Motion: And where it ſhall ſo happen, that the Time of any Perſons Sheriffalty ſhall be expired, or he ſhall be removed from his Office, before ſuch Motion made by the Creditor or Creditors, the ſame Remedy, Proceedings, and Relief, ſhall and may be had againſt him, as if ſuch Perſon was actually in Office; any Thing herein contained to the contrary, notwithſtanding,

Sheriff, ſuffering an Eſcape on Execution, or the Plaintiff, happening to die, before Recovery againſt ſuch Sheriff, his Executors or Adminiſtrators may maintain ſuch Action againſt ſuch Sheriff, or his Executors, &c.

XXII. *AND be it further Enacted, by the Authorty aforeſaid*, That where any Sheriff ſhall have taken the Body of any Debtor in Execution, and ſhall willfully or negligently ſuffer ſuch Debtor to eſcape, and ſuch Sheriff, or the Perſon ſuing out ſuch Execution, ſhall die, before a Recovery can be had againſt ſuch Sheriff for ſuch Eſcape, the Perſon ſuing out ſuch Execution, his Executors or Adminiſtrators, ſhall and may have and maintain an Action of Debt againſt ſuch Sheriff, his Executors or Adminiſtrators, for the Recovery of all ſuch Sums of Money as are mentioned in the ſaid Execution, and Damages for detaining the ſame; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Manner of turning over Priſoners,

XXIII. AND for removing all Controverſies, touching the Manner of turning over Priſoners, upon a Sheriff's quitting his Office; *Be it further Enacted, by the Authority aforeſaid*, That the Delivery of Priſoners by Indenture, between the old Sheriff and the new, according to the Practice in *England*; or the entering upon Record in Court, the Names of the ſeveral Priſoners, and Cauſes of their Commitment, delivered over to the new Sheriff; ſhall be ſufficient to diſcharge the late Sheriff from all Suits and Actions, for any Eſcape that ſhall afterwards happen,

Methed of obtaining Judgmt. and Execution, againſt Treaſurers, who have failed to account for, and pay all Public Monies by them received,

XXIV. AND for preventing the evil and pernicious Practice of ſuch as are intruſted with laying out of the Public Money, in applying it to their own Uſe, in Defraud of the Government; *Be it Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons, who heretofore have been, now are, or hereafter ſhall be, appointed a Treaſurer or Treaſurers of this Province, by Virtue of any Act or Acts of Aſſembly, and have failed or neglected, or ſhall fail or neglect, to account for and pay the ſeveral Taxes, Duties, and Impoſts, which they reſpectively have been, now are, or hereafter ſhall be, impowered and authorized to receive, according to the Direction of the Laws that have impoſed, or ſhall hereafter impoſe, ſuch Taxes and Duties; that it ſhall and may be lawful for any Supreme Court of the Diſtrict of ſuch Treaſurer, on Motion of the Attorney-General, or any other Attorney, by Order and Direction of the General Aſſembly, to grant Judgment againſt ſuch Treaſurer, in the Name of the Governor, or Commander in Chief for all ſuch Public Taxes, Impoſts, and Duties, which he ſhall have in his Hands, unaccounted for as aforeſaid; together with Intereſt thereupon, after the Rate of Six *per Cent. per Annum*, from the Time of receiving the ſame, till paid, and double Coſts; and to award Execution thereupon, againſt the Body, Goods and Chattels, Lands and Tenements, of ſuch Treaſurer; provided ſuch Treaſurer have Ten Days previous Notice of ſuch Motion: And moreover, ſuch Treaſurer ſhall loſe all ſuch Commiſſions upon ſuch Taxes and Duties, as he would otherwiſe have been intitled to.

XXV. *AND*

How applied, when recovered.

XXV. *AND be it further Enacted*, That the Money that ſhall be ſo recovered of any ſuch Treaſurer or Treaſurers, ſhall, when received, be applied to the ſeveral and reſpective Uſes, Intents and Purpoſes, to which the ſame are, or ſhall be by Law appropriated; or to ſuch other Uſes and Purpoſes, as the General Aſſembly ſhall direct and appoint.

Method of obtaining Judgmt. and Execution, againſt any other Peſons having Public Money in their Hands, and failing to apply it as by Law directed.

XXVI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons who heretofore have been, now are, or hereafter ſhall be, appointed and impowered, to lay out any Sum or Sums of Money, in Behalf, or on Account of this Province, whether the ſame was, is, or ſhall be for his Majeſty's Service, defraying the Contingent Charges of this Government, or other Purpoſe, by Act of Aſſembly particularly directed, and ſhall have received the ſame, and ſhall have refuſed, failed, or neglected, or ſhall refuſe, fail, or neglect, to lay out and apply ſuch Sum or Sums, and account for the ſame, according to the Directions of the Law or Laws that have appropriated, or ſhall appropriate the ſame; it ſhall and may be lawful for the Attorney-General, or any other Attorney, by Order and Direction of the General Aſſembly, upon a Motion made, in the Name of the Governor or Commander in Chief, in any Supreme Court in this Province, to demand Judgment againſt any ſuch Perſon or Perſons, for all ſuch Sum or Sums of Money as he or they have received, or ſhall receive, for the Purpoſes aforeſaid, or any of them, that ſuch Perſon or Perſons have not applied, laid out, and accounted for, or ſhall not apply, lay out, and account for, according as the ſeveral Acts of Aſſembly intruſting, or that ſhall intruſt, any ſuch Perſon or Perſons with the Application thereof, ſhall require; and ſuch Court is hereby authorized, impowered and required, to give ſuch Judgment accordingly; to be paid, with Intereſt thereupon, after the Rate of Six *per Cent. per Annum*, from the Time ſuch Perſon or Perſons ſhall have received, or ſhall receive the ſame, till paid, and treble Coſts; and to award Execution thereupon againſt the Body, Goods and Chattels, Lands and Tenements, of ſuch Perſon or Perſons; provided ſuch Perſon or Perſons have Ten Days previous Notice of ſuch Motion: And if any ſuch Perſon or Perſons ſhall be ſued on his or their Bond, given for the Performance of ſuch Truſt as aforeſaid, the Court before whom the Trial ſhall be had, or Writ of Enquiry executed, on an Aſſignment of any Breach of the Condition thereof, ſhall give Judgment for the whole Penalty of ſuch Bond; to be diſcharged upon the Defendant or Defendants paying the Damages found or aſſeſſed, together with Intereſt from the Date of ſuch Bond, till paid, with treble Coſts as aforeſaid; and in both the ſaid Inſtances, ſuch Perſon or Perſons ſhall loſe all ſuch Commiſſions, Allowances, and Rewards, as he could or might have claimed, if he had laid out ſuch Money, and regularly accounted for it.

How to be applied, when recovered.

XXVII. *AND be it further Enacted*, That in both the aforeſaid Caſes, the Money, when recovered and received, ſhall be applied and laid out, to and for the ſeveral and reſpective Uſes and Intents to which the ſame is, or ſhall be by Law directed to be applied; or as the General Aſſembly ſhall order and appoint.

C. Court Clerks to account with the Governor for all Fees to him due.

XXVIII. *AND be it further Enacted*, That all County Court Clerks in this Province, ſhall, annually, on or before the Tenth Day of *June*, account, on Oath,

A. D. 1755. with the Governor or Commander in Chief for the Time being, or his Agent, for all Fees which they reſpectively have, or ought to have received for him, by Virtue of the Office of ſuch Clerks: And in Caſe of Neglect or Refuſal, the Governor or Commander in Chief, ſhall and may, by Motion in the Supreme or County Court, have the like Remedy, Proceedings and Relief, againſt ſuch Clerks ſo neglecting or refuſing, for Recovery of all ſuch Monies, as is or may be, by Virtue of this Act, had againſt any Sheriff for Public Taxes by him neglected or refuſed to be paid to the Treaſurer of his Diſtrict.

Pen. for Neglect.

Repealing Clauſe. XXIX. *AND be it further Enacted, by the Authority aforeſaid*, That ſo much of an Act of Aſſembly, intituled, *An Act, for appointing Sherifs in the Room of Marſhals in this Province, for the preſcribing the Method of appointing them, and for limiting the Time of their Continuance in Office, and for directing their Duty therein; and for aboliſhing the Office of Provoſt-Marſhal of this Province; and for altering the Names of the Precincts into Counties*; and all and every other Act and Acts, and every Clauſe and Article thereof heretofore made, as far as relates to any Matter or Thing within the Purview of this Act, is hereby from henceforth repealed and made void.

CHAP. III.

An Act, for Inſpection of Pork, Beef, Rice, Indigo, Tar, Pitch, Turpentine, Staves, Heading, Shingles, and Lumber. EXP.

CHAP. IV.

An Act, for regulating Orphans, their Guardians, and Eſtates.

[r] This Act re-enacted, by Act Nov. 1762, Ch. V.

CHAP. V.

An Act, to quiet the Freeholders in the Poſſeſſion of their Lands; and for other Purpoſes.

Preamble. I. WHEREAS for Want of proper Offices, and due Attendance of the Officers, the Patents, Deeds, and Meſne-Conveyances, by which ſeveral Tracts of Land in this Province are granted and conveyed to the preſent Poſſeſſors, and thoſe under whom they hold, have not been regiſtered or recorded within the Time by Law limited and appointed for thoſe Purpoſes; and many original Patents, Deeds, and Wills, have, by Fire, and other Accidents, been loſt; by Occaſion whereof, the Titles of rightful Owners have been drawn in Queſtion, by troubleſome and litigious Perſons, to their great Diſturbance, Moleſtation, and Diſquiet: For Remedy whereof,

20 Years peaceable Poſſeſſion of II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That all and every Perſon and Perſons, and thoſe claiming under him or

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Lands, declared a good Title.

or them, who have been in quiet and peaceable Poſſeſſion of any Tract or Tracts of Land, for the Space of Twenty Years before the paſſing of this Act, and hath, or have heretofore made, or ſhall hereafter make Proof, before the Governor and Council, or either of the Supreme Courts, or the County Court where the Land lies, of ſuch Poſſeſſion; ſuch Perſon or Perſons ſhall be held and deemed, and is, and are hereby declared to be the lawful and rightful Owner or Owners of ſuch Tract or Tracts of Land, and ſhall be ſubject to the Payment of ſuch Quit-rents as have been heretofore paid for the ſame Lands; and where no Quit-rents have been paid, ſhall be liable to pay the Arrears and accruing Quit-rents, at the Rate of Four Shillings, Proclamation Money, *per Annum*, for every Hundred Acres of the ſaid Land; and ſuch Perſon or Perſons, his, her, or their Heirs and Aſſigns, ſhall, for ever, quietly and peaceably, hold and enjoy the ſame, againſt the Claim of all and every Perſon or Perſons whatſoever; ſaving and reſerving to Infants, and Feme-Coverts, their Title or Claim, who ſhall be allowed to proſecute the ſame at any Time within Three Years after their Arrival at full Age, or Diſcoverture; any Thing herein to the contrary notwithſtanding.

Saving to Infants, &c. their Right, which they may proſecute within 3 Years after coming of Age, &c.

III. *AND be it further Enacted, by the Authority aforeſaid*, That all Deeds and Conveyances whatſoever, for any Lands within this Province, whether made by the Grantors, or their Agents or Attornies, either in their own Names, or in the Names of their Principals; and all Aſſignments endorſed on Patents, which have heretofore, or ſhall, within One Year after the paſſing of this Act, be acknowledged or proved in the County Court, and recorded or regiſtered in the County where the Lands lie, ſhall be adjudged and deemed, and are hereby declared to be good and available in Law, and ſhall enure and take Effect, as fully and abſolutely, to the Benefit and Advantage of all Perſons who ſhall, for Three Years, have been in quiet and peaceable Poſſeſſion, or who ſhall have paid Quit-rents for any Lands claimed thereby, and to their Heirs and Aſſigns, as if the ſame Deeds had been at any Time heretofore recorded or regiſtered: And all Deeds and Conveyances for Lands, *bona fide* made and executed heretofore, although not indented or ſealed, or without any valuable Conſideration therein expreſſed; and all Aſſignments endorſed on Patents, ſhall be adjudged, deemed and taken, and are hereby declared to be good and valid in Law, and ſhall enure and take Effect, as fully and abſolutely, to the Benefit and Advantage of all and every Perſon or Perſons who ſhall have been in quiet and peaceable Poſſeſſion for Three Years, or who ſhall have paid Quit-rents for any Lands claimed thereby, to his and their own proper Uſe and Behoof, and to his and their Heirs and Aſſigns, as if the ſame Deeds had been actually indented and ſealed, and as if a valuable Conſideration had been therein particularly expreſſed; and as if ſuch Aſſignments had been made, and the Lands therein mentioned, conveyed in due Form of Law: And all Deeds and Conveyances for Lands, heretofore *bona fide* made and executed as aforeſaid, and which ſhall, within One Year after the paſſing of this Act, be proved by one ſubſcribing Witneſs; or where the ſubſcribing Witneſſes ſhall be dead, or out of this Province, by the Oath of Two or more credible Witneſſes, to the Parity of the Hand Writing of the Grantor or Grantors, or of the Agents or Attornies of the Grantor or Grantors, and a Record made of ſuch Proof, ſhall be, and are hereby declared to be good and available in Law, and ſhall enure and take Effect, as fully and abſolutely, to the Benefit and

All Deeds for Lands, or Endorſement of Patents, heretofore recorded in the County Court, or within 1 Year from the paſſing this Act, where Owners have had 3 Years quiet Poſſeſſion, declared good; alſo, all Conveyances, or endorſed Patents, *bona fide* made, tho' not indented, or valuable Conſiderations paid, where 3 Years Poſſeſſion can be proved, declared good.

And all Deeds for Lands proved within 1 Year from the paſſing this Act, by one Witneſs, or two Witneſſes to the Parity of the Hand of the Grantor; to enure to Perſons who have had 3 Years Poſſeſſion.

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and Advantage of the Perſon or Perſons who ſhall, for Three Years, have been in quiet and peaceable Poſſeſſion, or who ſhall have paid Quit-rents for any Lands claimed thereby, to his and their own proper Uſe and Behoof, and to his and their Heirs and Aſſigns, as if the ſame Deeds and Conveyances had been perſonally acknowledged in Court, by the Grantors thereof, and regiſtered: And all Deeds and Conveyances whatſoever heretofore made for any Lands in this Province, whether by the Grantors, their Agents or Attornies, either in their own Names, or the Names of their Principals, where the Lands thereby granted are not in the actual Poſſeſſion of any Perſon or Perſons, which ſhall be acknowledged or proved, and regiſtered in the County where ſuch Lands lie, within Twelve Months after paſſing this Act, ſhall be as good and available in Law, and take Effect as fully, to the Benefit and Behoof of every Perſon and Perſons claiming by or under ſuch Deeds or Conveyances, as if ſuch Deeds or Conveyances had been acknowledged or proved, and regiſtered within the Time by Law preſcribed; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

And all Deeds for Lands proved within 1 Year from the paſſing this Act, where ſuch Lands are not in the actual Poſſeſſion of any Perſon, declared good.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That all Copies of Records of Patents and Wills, atteſted by the Secretary of this Province, or his Deputy; and all Copies of Records of Deeds, and Meſne-Conveyances for Lands, atteſted by the Clerk of the County Court, or Regiſter of the County where the Lands lie, where the original Deed is Loſt; ſhall be deemed and held, and are hereby declared to be legal Evidence in all Courts of Law and Equity, in any Suit or Controverſy, where the Title of Lands ſhall come in Diſpute; and all Courts and Judges are hereby required to receive ſuch Copies ſo atteſted accordingly.

Copies of Patents, Wills, or Deeds for Lands, declared good Evidence in all Courts:

V. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons ſhall at any Time ſhoot, hunt, or range on the Lands or Tenements, or fiſh or fowl in any Creek or Waters, included within the Bounds of any other Perſon or Perſons, without Licence firſt obtained of the Owner of ſuch Lands; every ſuch Offender ſhall forfeit and pay Twenty Shillings for every ſuch Offence; to be recovered, with Coſts, before any Juſtice of the Peace of the County where the Offence ſhall be committed, by the Informer, to his own Uſe; in which Information, the Confeſſion of the Party, or the Oath of one credible Witneſs, ſhall be ſufficient Evidence: And where the Owner of ſuch Land ſhall proſecute for ſuch unlawful Hunting, Shooting, Ranging, Fiſhing or Fowling, within his Bounds, his own Oath ſhall be ſufficient Evidence; but in that Caſe, the Penalty ſhall be paid to the Churchwardens, for the Uſe of the Pariſh wherein the Offence ſhall be committed; and moreover, every ſuch Offender ſhall be liable to the Action of the Party grieved, at Common Law, for his or her Damages.

Pen. on Perſons ſhooting or ranging on other Perſons Lands.

CHAP. VI.

This Act further continued for 5 Years, by Act *Nov.* 1760, Ch. XIII.

An Act, for the Reſtraint of Vagrants, and for making Proviſion for the Poor; and other Purpoſes.

Preamble.

I. WHEREAS divers idle and diſorderly Perſons, having no viſible Eſtates or Employments, and who are able to work, frequently ſtrole from one County

County to another, neglecting to labour; and either failing altogether to liſt themſelves as Taxables, or by their idle and diſorderly Life, rendering themſelves incapable of paying their Levies, when liſted: For Remedy whereof, A. D. 1755.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That it ſhall not be lawful for any Inhabitant of this Government, to entertain, hire or employ, in his or her Houſe, above the Space of Forty-eight Hours, any ſuch Perſon or Perſons whatſoever, being taxable, and removing from the Pariſh where he or ſhe formerly reſided, unleſs ſuch Perſon ſhall firſt produce a Certificate, under the Hand of the Sheriff, or ſome Magiſtrate of the County from whence he or ſhe came, that ſuch Perſon paid Levy there for the preceeding Year; or that he or ſhe came into this Government ſince, or was a Servant at the Time of taking the laſt Liſt of Taxables; and if any one ſhall entertain, hire or employ, any ſuch Perſon or Perſons whatſoever, being Taxable, not having ſuch Certificate as aforeſaid, he or ſhe ſo offending, ſhall forfeit and pay Twenty Shillings, Proclamation Money, for every ſuch Offence, to the Informer, recoverable before any Juſtice of the Peace of the County where the Offence ſhall be committed; and if any taxable Perſon not having ſuch Certificate, ſhall offer himſelf, or ſeek to be employed, he ſhall be liable to the like Penalty of Twenty Shillings Proclamation Money; to be recovered and applied as aforeſaid.

No Perſon to hire, or entertain in his Houſe, above 48 Hours, any taxable Perſon, removing from one Pariſh to another, without a Certificate from his Pariſh, of his having paid Levy there the preceeding Year, &c. on Pen. of 20 s.

Like Penalty on the Perſon offering to hire, without ſuch Certificate.

III. *AND be it further Enacted, by the Authority aforeſaid,* That all able-bodied Perſons, not having wherewithall to maintain themſelves, who ſhall be found loitering and neglecting to labour for reaſonable Wages; all Perſons who run from their Habitations, and have Wives or Children, without ſuitable Means for their Subſiſtance, whereby they are like to become burthenſome to the Pariſh wherein they inhabit; and all other idle, vagrant, or diſſolute Perſons, wandering abroad, without betaking themſelves to ſome lawful Employments or honeſt labour, or going about begging, ſhall be deemed Rogues and Vagabonds.

Perſons deemed Rogues and Vagabonds.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That if any ſuch Vagabonds ſhall be found in any County or Place, wandering, begging, or miſordering him or herſelf, it ſhall be lawful for any Juſtice of the Peace of that County, and he is hereby impowered and required, by Warrant under his Hand, to cauſe ſuch Vagabonds to be brought before him, and to examine and inform himſelf, as well by the Oath and Examination of the Perſon apprehended, as of any other Perſon or Perſons, (which Oath or Oaths the Juſtice is hereby impowered to adminiſter,) and by any other Ways or Means he ſhall think proper, of the Condition and Circumſtances of the Perſon or Perſons ſo apprehended; and if it ſhall appear that he or ſhe is under the Deſcription of Vagabonds within this Act, the ſaid Juſtice ſhall, by his Warrant, order and direct him or her to be conveyed and whipt, in the ſame Manner as Runaways are, from Conſtable to Conſtable, to the County wherein his Wife or Children do inhabit, or where he or ſhe did laſt reſide, (as the Caſe ſhall be) and there delivered to a Juſtice of the Peace, who is hereby required to cauſe every ſuch Vagabond to give ſufficient Security, for his or her good Behaviour, and for betaking him or herſelf to ſome lawful Calling, or honeſt Labour; and if he or ſhe ſhall fail ſo to do, then to commit him or her to the Common Goal of the County, there to remain un-

Method by which ſuch Perſons are to be dealt with where they are apprehended.

A. D. 1755. til ſuch Security be given, or until the next Court; which Court is hereby impowered, if no Security be then offered, to bind ſuch Vagabond to Service, on Wages, for the Term of One Year; and ſuch Wages, after deducting the Charges of the Proſecution, and neceſſary Cloathing, ſhall be applied towards ſupporting the Family of ſuch Servant, (if any) or otherwiſe paid to the Perſon ſo bound, after his or her Time of Service is expired, in full of all other Recompence or Reward: But if any ſuch Vagabond be of ſuch evil Repute, that no Perſon will receive him or her into Service, in ſuch Caſe, the Court ſhall order him or her to receive Thirty-nine Laſhes, on his or her bare Back, well laid on, at the Public Whipping poſt, and then to be diſcharged; and in both Caſes, every ſuch Vagabond ſhall be afterwards liable to the like Proſecution and Puniſhment for every Offence of Vagrancy whereof he or ſhe ſhall be guilty as aforeſaid; and when any ſuch Vagabond ſhall be brought before a Juſtice of the Peace, and it ſhall not appear to the ſaid Juſtice, that he or ſhe has acquired a legal Settlement in any Pariſh, the ſaid Juſtice is hereby required, to cauſe ſuch Vagabond to give Security, for his or her good Behaviour, and for betaking him or herſelf to ſome honeſt Calling or Employment; and on Failure thereof, ſhall commit him or her to the Goal of the County, there to remain and be dealt with as is before herein directed.

One Year's Reſidence in any County, declared a legal Settlement.

V. AND for determining all Diſputes concerning what ſhall be accounted a legal Settlement, whereby any Perſon may be intitled to be provided for at the Pariſh Charge; *It is hereby Enacted, and Declared*, That no Perſon ſhall be accounted an Inhabitant, ſo as to have gained a legal Settlement in any Pariſh, until ſuch Perſon ſhall have been actually reſident in ſuch Pariſh one whole Year.

Method to be taken, where poor People come into any Pariſh, and are likely to become chargeable thereto.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That upon Complaint made by the Churchwardens of any Pariſh, before a Juſtice of Peace, that any poor Perſon or Perſons is or are come into their Pariſh, and likely to become chargeable thereto; it ſhall be lawful for ſuch Juſtice, by Warrant under his Hand, to cauſe ſuch poor Perſons to be removed to the Pariſh where he or ſhe was legally laſt ſettled; but if ſuch poor Perſons be ſick or diſabled, and cannot be removed without Danger of Life, the Churchwardens ſhall provide for his or her Maintenance and Cure, at the Charge of the Pariſh; and after Recovery, ſhall cauſe him or her to be ſo removed; and the Pariſh wherein he or ſhe was laſt legally ſettled, ſhall repay all Charges occaſioned by the Sickneſs, Maintenance, and Cure of ſuch poor Perſon; and alſo, all Charges and Expences, if ſuch Perſon ſhall die before Removal: And if the Churchwarden or Churchwardens of the Pariſh to which ſuch poor Perſon belongs, ſhall refuſe to receive and provide for the Perſon or Perſons removed by Warrant as aforeſaid; every Churchwarden ſo refuſing, ſhall forfeit and pay Twenty Pounds Proclamation Money; one Half to our Sovereign Lord the King, for the Uſe of the Pariſh from whence the Removal was, and the other Moiety to the Informer; to be recovered, by Action of Debt, or Information, in the County Court where the Information was made, with Coſts of Suit: And if the Veſtry of the Pariſh where ſuch poor Perſon was laſt legally ſettled, ſhall refuſe to pay and ſatisfy all the Charges and Expences aforeſaid, in ſuch Caſe, the Veſtry of the Pariſh refuſing, ſhall be liable for the ſame, to the Churchwardens aggrieved; to be recovered with Coſts, in the County Court, as aforeſaid: And if any Houſe-keeper ſhall entertain ſuch poor Perſon, and ſhall not

Pen. on Churchwardens of the Pariſh where ſuch Poor belongs, refuſing to receive and provide for 'em:

And on the Veſtry refuſing to pay all Expences of ſuch Poor.

Pen. on Houſe-keepers enter-

give

give Notice thereof to the Churchwardens of the Pariſh, or one of them, within one Month, he or ſhe ſo offending, ſhall forfeit and pay the Sum of Five Pounds, Proclamation Money; to be recovered with Coſts, by the Churchwardens, for the Uſe of the Pariſh, by Action of Debt or Information, in any County Court.

taining ſuch Poor, without giving Notice to the Churchwardens.

VII. AND whereas it frequently happens, that Maſters of Veſſels bring with them into this Province, Perſons who have not wherewith to ſupport themſelves, and are incapable of getting a Livelihood; by Means of which, the Expence of the Pariſh in which they are left, is greatly increaſed: For Remedy whereof, *Be it Enacted, by the Authority aforeſaid*, That from and after the Firſt Day of *January* next, after the paſſing of this Act, when any Maſter of a Veſſel from any other Port ſhall bring into this Province, any Perſon or Perſons who may probably be an Expence to any Pariſh within the ſame; it ſhall and may be lawful, on Complaint of any Freeholder to any Three Juſtices of the County where ſuch Maſter of a Veſſel ſhall at that Time reſide, for the ſaid Juſtices, by their Warrant, to convene ſuch Maſter of a Veſſel before them, and to take the Depoſition of Witneſſes concerning the Matter of the Complaint; and if, on hearing the ſame, it ſhall appear to them, or to any Two of them, that the Perſon or Perſons brought into this Province, has or have not brought with him or them ſufficient Effects for his or their Support and Maintenance, and that he, ſhe or they, is or are incapable of getting a Livelihood by his, her, or their Induſtry; ſuch Maſter of a Veſſel ſhall, by the Judgment of the ſaid Juſtices, be obliged to give Bond, with Two ſufficient Securities, to the Governor or Commander in Chief for the Time being, in the Sum of Forty Pounds, Proclamation Money; with Condition, that he will tranſport ſuch Perſon or Perſons out of this Province within Six Months from the Date of ſuch Bond, or at all Times thereafter indemnify every Pariſh within this Province from any Expence which they may be at, by Means of ſuch Perſon or Perſons being a Pariſh Charge; and if ſuch Maſter of a Veſſel ſhall refuſe to comply with ſuch Orders, it ſhall and may be lawful for the ſaid Two Juſtices, by Warrant under their Hands and Seals, to commit him to the Public Goal, there to remain until he ſhall comply with the ſame: And as often as any Perſon or Perſons ſo imported ſhall become chargeable to any Pariſh, it ſhall and may be lawful for the Churchwardens of ſuch Pariſh to bring Suit, and recover, on the ſaid Bond, in the Name of the Governor, but to the Uſe of the Pariſh, ſo much as the Pariſh ſhall have been damnified thereby, with Coſts of Suit, until the whole Penalty of the Bond ſhall be recovered.

Proceedings to be had againſt Maſters of Veſſels, bringing Perſons into this Province, who may be chargeable to any Pariſh.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall continue and be in Force for the Space of Five Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

Continuance of the Act.

CHAP. VII.

An Act, to direct the Method of appraiſing Lands whereon Forts or Batteries now are, or hereafter ſhall be erected, for the Defence of this Province. OBS.

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CHAP. VIII.

An Act, to prevent the Exportation of Proviſions and live Stock, from this Province to the French, *or Neutral Ports.* EXP.

CHAP. IX.

An Act, to prevent malignant and infectious Diſtempers being ſpread by Shipping, importing diſtempered Perſons into this Province; and other Purpoſes. REP.

CHAP. X.

*An Act, to amend an Act, for facilitating the Navigation of Port-*Bath, *Port-*Roanoke, *and Port-*Beaufort.

Preamble.

I. WHEREAS by the Act for facilitating the Navigation of Port-*Bath*, Port-*Roanoke*, and Port-*Beaufort*, the Pilots appointed in Conſequence thereof, are not compellable to go over the Bar of *Occacock* to pilot any Veſſel into *Beacon* Iſland Road, or any other Place of Safety:

Pen. on Pilots not going over the Bar to bring in Veſſels, when Signal made.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the Firſt Day of *January* next, after the paſſing this Act, when any Ship or Veſſel ſhall be off the Bar of *Occacock*, and bound over the ſame, and a Signal for a Pilot to come on board ſuch Ship or Veſſel ſhall be made, ſome one of the Pilots then in *Beacon* Iſland Road, or at *Occacock*, if the Weather will permit, ſhall immediately proceed over the Bar aforeſaid, to pilot ſuch Ship or Veſſel into Port; and the Pilot who ſhall firſt get up with the ſaid Ship or Veſſel, ſhall carry her into Port, and receive the full Pilotage for the ſame: And every Pilot appointed according to Act of Aſſembly, who ſhall be at *Beacon* Iſland Road, or at *Occacock*, and ſhall neglect to go over the Bar when ſuch Signal ſhall be made, ſhall forfeit and pay the Sum of Ten Pounds, Proclamation Money; to be recovered by any Maſter of a Veſſel who ſhall be in the leaſt detained for the Want of ſuch Pilot, after making ſuch Signal; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record.

Pilots intitled to half Fees for going over the Bar for Veſſels, whether the Maſter wants them or not.

III. *AND be it further Enacted, by the Authority aforeſaid,* That when any Veſſel whatſoever ſhall be bound over the Bar of *Occacock* aforeſaid, whether ſuch Veſſel ſhall make a Signal for a Pilot or not, any Pilot who ſhall go over the Bar aforeſaid, to pilot ſuch Veſſel into Port, and offer his Service for that Purpoſe, ſhall be intitled, although the Maſter of ſuch Veſſel ſhall refuſe to employ him, to half the Fees which he would have been intitled to if he had taken Charge of and piloted ſuch Veſſel over the Bar aforeſaid; and the Maſter ſhall be obliged to pay the ſame accordingly.

CHAP. XI.

An Act, for aſcertaining a proper Place for building thereat a Court-houſe, Priſon, Pillory and Stocks, for the County of Beaufort. REP.

CHAP.

A. D. 1755.

CHAP. XII.

An Act, to appoint the Place for erecting the Court-houſe and Priſon in the County of Onſlow ; *and other Purpoſes therein mentioned.*

Private.

I. WHEREAS by Experience it is found, that the Situation of the Court-houſe in *Onſlow* County, before it was deſtroyed by the Storm, was not central, and by Reaſon of a wide Ferry, often impaſſable, very inconvenient to the greateſt Part of the Inhabitants, and that there are no Houſes for Accommodation near the Place : For Remedy whereof,

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Juſtices of the County of *Onſlow* ſhall have full Power and Authority, and are hereby required, within the Space of Six Months next after the paſſing this Act, to erect a Court-houſe, Priſon, Pillory and Stocks, for the Uſe of the County, and to agree with Workmen, to build and finiſh the ſame, at *Wantland*'s Ferry, in the ſaid County.

III. *AND be it further Enacted,* That ſo much of the County Taxes heretofore annually levied for that Purpoſe, and now in the Hands of the Juſtices, ſhall be applied to the erecting the ſaid new Court-houſe, Priſon, Pillory and Stocks, near *Wantland*'s Ferry, and to no other Purpoſe whatſoever: And that hereafter, all Elections and other Buſineſs of the ſaid County, ſhall be tranſacted at the ſaid Court-houſe by this Act appointed to be built and erected.

IV. *AND be it further Enacted,* That for the Convenience of the Inhabitants of the ſaid County paſſing to and from the ſaid Court-houſe, to tranſact their Public Buſineſs, the Ferry called *Wantland*'s Ferry, at all ſuch Times, ſhall be maintained at the County Charge, to be paid out of the County Tax.

V. *AND be it further Enacted,* That ſo much of an Act, intituled, *An Act, for the appointing and laying out a Town at or near* Mittam's *Point, on the* South *Side of* New *River, in* Onſlow *County, by the Name of* Johnſton ; for ſo much thereof as relates to holding the Court, and tranſacting all other Public Buſineſs for the ſaid County in the Town of *Johnſton,* is hereby from henceforth repealed.

CHAP. XIII.

An Act, for erecting that Part of Rowan *County called* Wachovia, *into a diſtinct Pariſh.*

Private.

I. WHEREAS the *Unitas Fratrum,* or the People called the United Brethren, inhabiting that Part of the County of *Rowan* called and known by the Name of *Wachovia,* have repreſented to this Aſſembly, that their being erected into a ſeparate Pariſh, will enable them to diſcharge their ſeveral Parochial Duties with greater Eaſe and Convenience than they can at preſent :

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II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Tract of Land in the County of *Rowan*, called and known by the Name of *Wachovia*, and the ſeveral Surveys of Land to the ſaid United Brethren belonging, contiguous, and adjoining to the ſaid Tract of Land called *Wachovia*, according to the known Boundaries and Limits thereof, ſhall be, and is hereby erected into a Pariſh, diſtinct and ſeparate from the Pariſh of St. *Luke* in the ſaid County, and ſhall be called and known by the Name of the Pariſh of *Dobbs*; and ſhall and may, from Time to Time, hold, uſe, and exerciſe the like Authorities and Powers, and poſſeſs and enjoy the ſame Immunities and Privileges, as other Pariſhes in this Province ſhall, may, or can do; and all and every other Perſon and Perſons who are, or ſhall be Inhabitants of the ſaid Pariſh of *Dobbs*, ſhall be, and are, from henceforth, releaſed and diſcharged of and from all Parochial Duties to the ſaid Pariſh of St. *Luke*.

III. *AND be it Enacted, by the Authority aforeſaid,* That the Freeholders of the ſaid Pariſh of *Dobbs*, ſhall, and they are hereby impowered and required, to meet at the Court-houſe of the ſaid County of *Rowan*, on the Firſt *Tueſday* in *June* next, then and there to elect and chuſe Twelve Freeholders of the ſaid Pariſh, to ſerve as Veſtrymen of the ſame; which Election ſhall be made by the Sheriff of the ſaid County of *Rowan*, under the like Rules and Reſtrictions, and under the like Pains and Penalties, as other Elections of Veſtries in this Province are by Law appointed to be made; and the Twelve Freeholders ſo elected, within Forty Days after being ſo, ſhall, inſtead of the Oaths appointed for the Qualification of Public Officers, make a Declaration of the ſame, according to the Form of the Act of Parliament, intituled, *An Act, for encouraging the People known by the Name of* Unitas Fratrum, *or United Brethren, to ſettle in his Majeſty's Colonies in* America, and ſubſcribe the Declaration by Law appointed to be ſubſcribed by Veſtrymen; and from thenceforth ſhall be, and are hereby declared, to be the Veſtry of the ſaid Pariſh of *Dobbs*; and ſhall and may, and are hereby required, to exerciſe and uſe the ſame Powers and Authorities as any other Veſtries in this Province can, may, or ought to exerciſe, uſe, or enjoy; and ſhall be liable to the ſame Penalties and Forfeitures as other Veſtries or Perſons elected Veſtrymen are in any Manner liable and ſubject to; and the ſaid Veſtry, when qualified as aforeſaid, ſhall chuſe Two Churchwardens for the ſaid Pariſh the enſuing Year, who ſhall and may continue in Office One Year, and no longer; at which Time the ſaid Veſtry ſhall chuſe other Churchwardens.

CHAP. XIV.

An Act, for laying out a Road, from Orange *County Court-houſe to a Landing on the* North-Weſt *of* Cape-Fear *River.*

Private.

I. WHEREAS a Road from *Orange* County Court-houſe to a convenient Landing on the *North-Weſt* River of *Cape-Fear*, would be of very great Advantage to the Inhabitants of the ſaid County; which, by Reaſon of the Inhabitants of thoſe Parts belonging already to other Diſtricts, cannot be altered but by Authority of Aſſembly: Wherefore,

II. *BE*

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II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That Mr. *John Patterſon*, Mr. *James Taylor*, and Mr. *Lawrence Thompſon*, be, and they are hereby appointed Commiſſioners, with full Power and Authority to lay out a Road, as convenient as may be, for the ſaid Inhabitants, from *Orange* County Court-houſe to a Landing on the *North-Weſt* of *Cape-Fear* River, near Col. *Thomas Armſtrong*'s; and when the ſaid Road ſhall be ſo laid out, all the Inhabitants on each Side thereof within Five Miles of the ſame, ſhall be obliged to work thereon; and for Default therein, ſhall be liable to the ſame Fines and Forfeitures, as People liable to work on Public Roads have heretofore been.

III. *AND be it further Enacted, by the Authority aforeſaid,* That the Commiſſioners aforeſaid, ſhall be inveſted with the ſame Power and Authority as other Commiſſioners of Roads, to appoint Overſeers of the ſaid Road, and to recover the Fines and Forfeitures by Law directed.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.

MATTHEW ROWAN, Preſident.

JOHN CAMPBELL, Speaker.

A. D. 1756.

ANNO REGNI GEORGII II,

Regis, *Magnæ Britanniæ, Franciæ, & Hiberniæ,* Triceſſimo.

ARTHUR DOBBS, Eſq; Governor.

At a General ASSEMBLY, begun and held at *Newbern*, on the Twelfth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-four, and from thence continued, by ſeveral Prorogations, to the Thirtieth Day of *September*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-ſix: Being the Third Seſſion of this Aſſembly.

CHAP. I.

This Act had its Effect.

An Act, for granting to his Majeſty an Aid of Three Thouſand Four Hundred Pounds, to defray the Expence of erecting a Fort, raiſing and paying Two Companies, for the Defence of the Weſtern *Frontier of this Province.*

CHAP. II.

An Act, for the better Regulation of the Militia; and other Purpoſes. Exp.

CHAP. III.

Provided for by the Superior Ct. Act, paſſed *Dec.* 21, 1762, Ch. I.

An Act, to amend an Act, for eſtabliſhing the Supreme Courts of Juſtice, Oyer *and* Terminer, *and General Goal Delivery of* North-Carolina.

CHAP.

A. D. 1756.

CHAP. IV.

An Act, for aſcertaining the Method of proving Book-Debts.

Preamble.

I. WHEREAS Doubts have ariſen upon Conſtruction of the Law now in Force, preſcribing the Manner of proving Book-Debts: For Prevention whereof for the future,

Manner of proving Book-Debts.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That in any Action of Debt, or upon the Caſe, which hath been, or ſhall be brought, where the Plaintiff hath declared, or ſhall declare, upon an *Emiſſit*, *Indebitatas Aſſumpſit*, *Quantum Valebant*, or *Quantum Meriut*, for Goods, Wares and Merchandizes by him ſold and delivered, or for Work done and performed, ſhall file his Account with his Declaration; and upon the Trial of the Iſſue, or executing a Writ of Enquiry of Damages in ſuch Action, ſhall declare upon his corporal Oath, or ſolemn Affirmation, (as the Caſe may be) that the Matter in Diſpute is a Book-Account, and that he hath no Means to prove the Delivery of ſuch Articles as he ſhall then propoſe to prove by his own Oath, or any of them, but by his Book; and in that Caſe, ſuch Book ſhall and may be given in Evidence, if he ſhall make out by his own Oath or Affirmation, that ſuch Book doth contain a true Account of all the Dealings, or the laſt Settlement of Accounts between them, and that all the Articles therein contained, and by him ſo proved, were *bona fide* delivered; and that he hath given the Defendant all juſt Credits; and ſuch Book and Oath or Affirmation, ſhall be admitted and received as good Evidence in any Court of Law, for the ſeveral Articles ſo proved to be delivered within Two Years before the ſaid Action brought, but not for any Article of a longer ſtanding: And where the Perſon who delivered ſuch Goods, Wares or Merchandizes, or performed ſuch Work and Labour, ſhall die, his Executors or Adminiſtrators may give his Book in Evidence, upon his or their making Oath or Affirmation, that they verily believe the Account as there charged is juſt and true, and that there are no Witneſſes to his or their Knowledge, capable of proving the Delivery of the ſeveral Articles as he ſhall propoſe to prove by the ſaid Book, and Oath or Affirmation, and that he found the Book ſo ſtated, and doth not know of any other or further Credit to be given than what is there mentioned; and ſuch Book, and Oath or Affirmation, ſhall be admitted and received as Evidence for any Articles delivered within the Time aforeſaid.

Copy of Accounts may be proved, if agreed to by the Defendant.

III. BUT whereas it may be inconvenient and harzardous, by Reaſon of bad Weather and Accidents, to carry Books of Accounts great Diſtances to Court, when a Copy of the Account, proved in the ſame Manner as by this Law the Book is to be proved, may ſatisfy the Defendant as fully; *Be it therefore Enacted, by the Authority aforeſaid*, That a Copy from the Book of Accounts, proved in Manner herein before directed, ſhall and may be given in Evidence in any ſuch Action as aforeſaid; and ſhall be as available as if ſuch Book had been produced; unleſs the Defendant, or his Attorney, ſhall give Notice to the Plaintiff, or his Attorney, at the joining of the Iſſue, that he will require the Book to be produced at Trial; and in that Caſe, no ſuch Copy ſhall be admitted or received as Evidence.

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Defendant may conteſt the Plaintiff's Evidence; and Executor or Adminiſtrator's Books to go againſt each other.

IV. *PROVIDED neverthelefs*, That the Defendant ſhall be at Liberty to conteſt the Plaintiff's Evidence, and oppoſe the ſame by other legal Evidence; and where the Defendant ſhall be an Executor or Adminiſtrator, his Teſtator or Inteſtate's Book ſhall and may be given in Evidence againſt the Plaintiff's Book, where the Plaintiff is an Executor or Adminiſtrator, for ſuch Articles as ſhall be proved in Manner aforeſaid.

No Book-Debt to be prov'd for more than 5 Years ſtanding, except Parties out of the Country, or Book ſigned.

V. *PROVIDED alſo*, That no Book of Accounts, although the ſame may be proved by Witneſs or Witneſſes, ſhall be admitted or received as Evidence in any Action for Goods, Wares or Merchandizes delivered, or for Work done, above Five Years before the ſaid Action brought; except in Caſe of Perſons being out of the Government, or where the Account ſhall be ſettled and ſigned by the Parties.

Articles of above 30 l. not to be proved by Book, and Oath of the Party.

VI. *PROVIDED neverthelefs*, That no Plaintiff ſhall be at Liberty to prove by his Book, and Oath or Affirmation as aforeſaid, on the Trial of any ſuch Action as aforementioned, any Article or Articles, the Amount whereof ſhall exceed the Sum of Thirty Pounds, Proclamation Money.

In Suits bro't by this Act, one Debt to go againſt another.

VII. AND for preventing a Multiplicity of Law-Suits; *Be it further Enacted, by the Authority aforeſaid*, That in all Caſes where there are, or ſhall be mutual Debts ſubſiſting between the Plaintiff and Defendant, or if either Party ſue, or be ſued, as Executor or Adminiſtrator, where there are mutual Debts ſubſiſting between the Teſtator or Inteſtate, and either Party, one Debt may be ſet againſt the other, either by being pleaded in Bar, or given in Evidence, on the general Iſſue, on Notice given of the particular Sum intended to be ſet off, and on what Account the ſame is due; notwithſtanding ſuch Debts ſhall or may be deemed in Law to be of a different Nature; but if either Debt aroſe by Reaſon of a Penalty, the Sum intended to be ſet off ſhall be pleaded in Bar, ſetting forth what is juſtly due on either Side; any Law, Uſage or Cuſtom to the contrary in any-wiſe notwithſtanding.

Repealing Clauſe.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That one Act of Aſſembly made in the Thirteenth Year of his preſent Majeſty's Reign, intituled, *An Act, preſcribing the Method of proving Book-Debts*, ſhall be, and is hereby repealed.

CHAP. V.

An Act, for the Puniſhment of Mutiny and Deſertion, and preventing the harbouring and entertaining of deſerted Soldiers. EXP.

CHAP. VI.

See Act paſſed *Nov.* 1760, Ch. VI, for amending this Act.

An Act, for the Relief of ſuch Perſons as have ſuffered, or may ſuffer, by not having had their Deeds and meſne Conveyances proved and regiſtered within the Time heretofore appointed for ſuch Purpoſes; and to prevent Diſputes and Law Suits concerning Lands.

Preamble.

I. WHEREAS from the Difficulty of conveening Witneſſes to Deeds and meſne Conveyances, before the Chief Juſtice, or before the Court of any County

County wherein the Lands, by the ſame granted, lie, many of them have not been proved nor regiſtered within the Time heretofore appointed by Law for that Purpoſe, which may occaſion litigious Law Suits, and the Eſtates of fair and honeſt Purchaſers thereby be drawn in Queſtion: For Remedy whereof,

Further Time allowed for proving Deeds and Conveyances.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That all Deeds and meſne Conveyances of Lands, Tenements and Hereditaments, not already regiſtered, acknowledged or proved, ſhall and may, within Eighteen Months after the paſſing of this Act, be acknowledged by the Grantors, their Agents or Attornies, or proved by one or more of the ſubſcribing Witneſſes to the ſame, and tendered and delivered to the Regiſters of the Counties wherein ſuch Lands, Tenements and Hereditaments, reſpectively lie; and all Deeds and meſne Conveyances of Lands, Tenements and Hereditaments, hereafter to be made, ſhall and may, at any Time within Two Years, from the reſpective Dates thereof, be acknowledged, or proved in Manner aforeſaid, and delivered to the Regiſters of the Counties wherein they are reſpectively ſituated.

All ſuch as ſhall be proved agreeable to this Act, declared good, and Copies of the Regiſtry may be given in Evidence.

III. *AND be it further Enacted, by the Authority aforeſaid,* That all Deeds and meſne Conveyances whatſoever, which ſhall be acknowledged or proved, according to the Directions of this Act; and alſo, all ſuch as have been heretofore recorded by the Clerk, or regiſtered by the Regiſter of any Precinct or County wherein the Lands or Tenements mentioned in the ſame lie, though not within One Year after the Date of the reſpective Conveyances, ſhall be good and valid in Law, and ſhall enure and take Effect, as fully and effectually, to the Uſe and Behoof of the Grantees, their Heirs and Aſſigns, and thoſe claiming under them, as if ſuch Deeds and Conveyances were acknowledged, or proved and regiſtered, agreeable to the Direction of any Act of Aſſembly heretofore made; and the Regiſtry, or Copy of the Record of any Deed or Conveyance, regiſtered or recorded as mentioned in this Act, and atteſted by the Regiſter or Clerk, ſhall and may, where the original Deed or Conveyance is loſt, be given in Evidence in any Court of Record, and ſhall be held, and is hereby declared to be full and ſufficient Evidence of ſuch Deed or Conveyance; any Law, Statute, or Uſage to the contrary, notwithſtanding.

Evidence to Deeds may be ſummoned to prove the ſame, & Manner of ſummoning.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That the Grantee or Grantees, in any Deed heretofore made, or hereafter to be made, ſhall and may, at his own Expence, on Motion to the County Court wherein the Land by the ſame granted lies, obtain a Summon for any one or more of the ſubſcribing Witneſſes to ſuch Deed, which ſhall be ſigned by the Clerk, and directed to the Sheriff, commanding him to ſummon ſuch Witneſs to appear at the next County Court, and give his Evidence concerning the Execution of ſuch Deed, under the Penalty of Twenty Pounds: And the Sheriff ſhall, and is hereby required to execute the ſame, at leaſt Five Days before the Court to which the ſame is returnable; and make due Return thereof; for which Summon, Service, and Return, the Clerk and Sheriff ſhall be paid the ſame Fees as are allowed on iſſuing, ſerving, and returning Subpœnas in Actions; and if any Witneſs to a Deed, ſo ſummoned, ſhall fail to appear on the Return of ſuch Summons, the Court ſhall give Judgment againſt him for the Penalty aforeſaid; for which Execution may be taken out, either againſt his Body

or

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or Goods, by him or them at whoſe Inſtance he ſhall be ſummoned, unleſs he ſhew ſufficient Cauſe to the next ſucceeding Court for not having appeared to give his Evidence.

Pen. on Regiſter neglecting to regiſter Deeds.

V. *AND be it Enacted, by the Authority aforeſaid*, That every Regiſter, who ſhall neglect or delay to regiſter any Deed or Conveyance, within Two Months after the ſame ſhall be delivered to him, ſuch Regiſter, for each and every Two Months he ſhall ſo neglect or delay, ſhall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; one Half to the Churchwardens for the Uſe of the Pariſh wherein he ſhall reſide, and the other Half to him or them who will ſue for the ſame; to be recovered by Action of Debt, with Coſts.

Validity of Patents granted by Lords Proprietors, declared good.

VI. AND whereas the Validity of ſeveral Patents granted by the Deputies of the late Lords Proprietors, has been queſtioned, on Suppoſition, that their Power had been determined before the Arrival of a Governor in this Province, appointed by his Majeſty: Wherefore, to ſecure the Poſſeſſions of ſuch as complied with the Forms of Government, then uſed, in taking out Patents, *Be it Enacted, by the Authority aforeſaid*, That all Patents made and iſſued by the Deputies of the late Lords Proprietors, at any Time whilſt they had the Adminiſtration of the Government of this Province, until the Revocation or Determination of their Power to grant Lands, was publicly ſignified and made known by ſome Public Act of Government, ſhall, and are hereby declared to be good and available in Law; and ſhall enure and take Effect, as fully and abſolutely, to the Benefit and Advantage of all Perſons in Poſſeſſion of any Lands granted thereby, and to their Heirs and Aſſigns, as if their Power to make and iſſue ſuch Patents, had at the Time of making and iſſuing the ſame, been in no-wiſe revoked or determined; except ſuch as have been by the Patentees at any Time reſigned or ſurrendered; which Patents ſo reſigned or ſurrendered, ſhall receive no additional Validity hereby, and ſhall be of no more Force or Efficacy, than they would have been before the paſſing this Act; any Thing herein to the contrary notwithſtanding.

CHAP. VII.

An Act, to amend an Act, intituled, An Act, to reſtrain the Exportation of bad and unmerchantable Tobacco, and for preventing Frauds in his Majeſty's Cuſtoms.

Preamble.

I. WHEREAS by the Direction of the before recited Act, ſeveral Public Warehouſes have been built on ſhallow Streams, to which large Veſſels cannot be navigated; and it is found frequently neceſſary, that Tobaccoes, received and inſpected in thoſe Warehouſes, ſhould, after Inſpection, be lodged in ſuch others as are more convenient to Navigation:

Tobaccoes inſpected in any Warehouſe, may be removed to another Warehouſe.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That all Tobaccoes hereafter to be inſpected in any Public Warehouſe, ſhall and may, for the greater Convenience of Shipping, be lodged in any other Public Warehouſe; and the Inſpectors are hereby required to receive the ſame,

ſame, for which they ſhall give Receipts, mentioning the Warehouſe in which they were inſpected, and ſhall be obliged to deliver them to ſuch Perſon or Perſons as ſhall thereafter produce ſuch Receipts, on Payment of Eight Pence for every Caſk of Tobacco which ſhall be ſo received and delivered.

Tax laid on *Chowan* County for building a Warehouſe, to be collected by the Sheriff, & paid to the Commiſſioners for building a Warehouſe at *Edenton*.

III. AND whereas the Juſtices of the Court of *Chowan*, have already laid a Tax on the Inhabitants of that County for building a Public Warehouſe and Wharf at *Edenton*; but the Commiſſioners appointed by the ſaid Order to contract with Workmen for the Purpoſes aforeſaid, have failed to comply with the ſame; *Be it therefore Enacted, by the Authority aforeſaid*, That the Tax ſo laid, ſhall be collected by the Sheriff, who is hereby required to pay the ſame to *Thomas Barker*, *Joſeph Blount*, *Joſeph Herron*, *Edward Vail*, and *Charles Blount*, Gentlemen, who, or a Majority of them, are impowered and required, to contract with Workmen for building one or more Public Warehouſes at *Edenton* aforeſaid, for the Receipt of Tobaccoes, and a Public Wharf for the Conveniency of landing the ſame; the Expence of which ſhall be paid out of the Monies ariſing by Virtue of the ſaid Tax.

Additional Tax laid for ſaid Warehouſe.

IV. AND whereas the Quantities of Tobaccoes which will be lodged in the Warehouſe at *Edenton*, will probably be much greater, and it will conſequently be requiſite that the Warehouſe be much larger, or that more Warehouſes ſhould be built, than at the Time of laying the Tax by the Juſtices of *Chowan* County was apprehended: *Be it Enacted, by the Authority aforeſaid*, That an additional Tax of one Shilling *per* Taxable, be laid on each Taxable Perſon within the County of *Chowan*, for the Year next enſuing; to be collected by the Sheriff, and paid into the Hands of the ſaid *Thomas Barker*, *Joſeph Blount*, *Joſeph Herron*, *Edward Vail*, and *Charles Blount*, or to ſuch Perſon or Perſons as they, or a Majority of them, ſhall order; to be applied to the building of the ſaid Warehouſe or Warehouſes, and Wharf; an Account of which ſhall be given on Oath to the Juſtices of *Chowan* County; and if, after paying the Expence of building the Warehouſe or Warehouſes, and Wharf, as aforeſaid, there ſhall be any Money remaining, the ſame ſhall be applied to defraying the contingent Charges of the County of *Chowan*.

Warehouſes burnt, Loſs to be made good by the Counties owning the Tobaccoes therein.

V. *AND be it further Enacted, by the Authority aforeſaid*, That if any Public Warehouſes ſhall happen to be burnt, the Loſs ſuſtained thereby ſhall be made good to the Sufferers by the ſeveral Counties in which the ſaid Tobaccoes ſhall be received, and from which they ſhall be ſent to any of the ſaid Public Warehouſes; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Penalty on Perſons burning Warehouſes.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons ſhall, willfully and on Purpoſe, ſet on Fire any Public Warehouſe within this Province, ſuch Offence ſhall be deemed, and is hereby declared to be Felony; and the Offender or Offenders, his, her or their Aidors and Abettors, on being lawfully convicted thereof, ſhall ſuffer as in Caſes of Felony, without Benefit of Clergy.

CHAP. VIII.

This Act had its Effect.

An Act, for laying a Tax for repairing the Court-houſe in Edenton.

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CHAP. IX.

An Act, for Re-eſtabliſhing ſeveral Counties and Towns; and for other Purpoſes.

Preamble.

I. WHEREAS his Majeſty, by his Orders in his Privy-Council, dated the Eighth Day of *April*, One Thouſand Seven Hundred and Fifty Four, did repeal, declare void and of none Effect, Twelve Acts, paſſed at ſundry Times in this Province; which Acts are intituled, as follows, *viz.*

Recital of Acts repealed.

"An Act, appointing that Part of *Albemarle* County, lying on the *Weſt* Side of *Chowan* River, to be a Precinct, by the Name of *Bertie* Precinct." Paſſed in the Year 1722.

"An Act, for incorporating the Sea Port of *Beaufort*, in *Carteret* Precinct, into a Townſhip, by the Name of *Beaufort*." Paſſed in the Year 1723.

"An Act, to appoint that Part of *Albemarle* County, lying on the South Side of *Albemarle* Sound, and *Morattuck* River, as high as the *Rainbow* Banks, to be a Precinct, by the Name of *Tyrrell* Precinct." Paſſed in the Year 1729.

"An Act, to eſtabliſh the Precincts of *Onſlow* and *Bladen*, and for appointing them diſtinct Precincts." Paſſed in the Year 1734.

"An Act, for erecting the Village called *Newton*, in *New-Hanover* County, into a Town and Townſhip, by the Name of *Wilmington*, and regulating and aſcertaining the Bounds thereof." Paſſed in the Year 1739.

"An Act, for confirming Titles to the Town Lands of *Edenton*, for ſecuring the Privileges heretofore granted to the ſaid Town, and for the further Encouragement and better Regulation thereof." Paſſed in the Year 1740.

"An Act, to confirm and erect that Part of the Province called *Edgcomb* County, into a County, by the Name of *Edgcomb* County, and for eſtabliſhing the ſaid County a Pariſh, and for aſcertaining the Boundary Line between the *North-Weſt* and *Society* Pariſhes, in *Bertie* County." Paſſed in the Year 1741.

"An Act, for erecting the upper Part of *Bertie* County, into a County, by the Name of *Northampton* County, and for regulating the Limits between *Society* Pariſh and the *North-Weſt* Pariſh of *Bertie*, and for removing the Seat of *Bertie* County Court." Paſſed in the Year 1741.

"An Act, for erecting the upper Part of *Craven* County into a County and Pariſh, and for appointing a Place for building a Court-houſe, Priſon and Stocks, in the ſaid County." Paſſed in the Year 1746.

"An Act, for dividing *Edgcomb* County and Precinct, and for erecting the upper Part thereof into a County and Pariſh, by the Name of *Granville* County, and St. *John*'s Pariſh, and for appointing Veſtrymen of the ſaid Pariſh." Paſſed in the Year 1746.

"An Act, for erecting the upper Part of *New-Hanover* County into a County and Pariſh, by the Name of *Duplin* County, and St. *Gabriel*'s Pariſh, and for appointing a Place for building a Court-houſe, Priſon and Stocks, in the ſaid County." Paſſed in the Year 1749.

"An Act, for erecting the upper Part of *Bladen* County into a County and Pariſh, by the Name of *Anſon* County, and St. *George*'s Pariſh, and for appointing a Place for building a Court-houſe, Priſon and Stocks, in the ſaid County." Paſſed in the Year 1749.

II. AND

A. D. 1756.

Several Counties & Towns re-eſtabliſhed.

II. AND whereas his Majeſty, taking into his Royal Conſideration the humble Repreſentation of the Aſſembly of this Province, ſetting forth, That many Inconveniences, with Reſpect to the future Settlement of this Province, might ariſe from the Repeal of the ſaid Acts; his Majeſty has been graciouſly pleaſed, by an Inſtruction from their Excellencies the Lords Juſtices to the Governor of this Province, dated the Firſt Day of *July*, One Thouſand Seven Hundred and Fifty-five, to authorize and direct the ſaid Governor to give his Aſſent to any Acts which ſhall be paſſed by the Council and Aſſembly of this Province, for re-eſtabliſhing the ſeveral Towns, Precincts and Counties, heretofore erected by the Twelve Acts which have been repealed as aforeſaid, and for confirming the Rights of the People, as by the ſaid Acts they were eſtabliſhed, under certain Proviſions and Reſtrictions in the ſaid Orders mentioned: *Be it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſeveral Diviſions, Precincts or Diſtricts of this Province, which have heretofore belonged to the ſeveral and reſpective Counties and Towns aforeſaid, before the Repeal of the before recited Acts of Aſſembly, ſhall, and they are hereby declared to be re-eſtabliſhed into Counties and Towns, by the ſeveral and reſpective Names by which each Diviſion, Precinct or Diſtrict, at the Time of repealing the aforeſaid Acts, was known and denominated; and each of the ſaid Counties ſhall be limited and bounded according to the Bounds and Limits heretofore known and reputed to be the Bounds and Limits thereof.

Royal Prerogative for incorporating Towns, reſerved.

III. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed or taken, to alter or derogate from the Right and Royal Prerogative of his Majeſty, his Heirs or Succeſſors, of granting Letters of Incorporation to the ſaid Counties and Towns; of ordering, appointing, and directing the Election of a Member or Members, to repreſent them in Aſſembly; and of granting Markets and Fairs to be kept and held in them reſpectively: But that the ſaid Right and Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his ſaid Majeſty, his Heirs or Succeſſors, in as full and ample Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made.

Deeds & Conveyances for Lands, in any Counties or Towns aforeſaid, declared good.

IV. *AND be it further Enacted*, That all Deeds and Conveyances for the conveying of any Lands, Lots, or Tenements, in either of the Counties or Towns aforeſaid, to any Perſon or Perſons whatſoever, either to the Uſe of the Public, or to their own Uſe, in Conſequence of any or either of the ſaid Acts of Aſſembly ſo repealed as aforeſaid, ſhall, and are hereby declared to be good and valid in Law; and ſhall enure and take Effect, as fully, to the Benefit of the Grantees, their Heirs and Aſſigns, and all others concerned, as if the ſame Acts had never been repealed.

Acts containing Cluſes forbid by his Majeſty, repealed.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Five Acts of the General Aſſembly of this Province, intituled, as follows, *viz.*

"An Act, for dividing Part of *Granville*, *Johnſton*, and *Bladen* Counties, into a County and Pariſh, by the Name of *Orange* County, and the Pariſh of St. *Matthew*; and for appointing Veſtrymen for the ſaid Pariſh, and other Purpoſes therein mentioned." Paſſed in the Year 1752.

"An

A. D. 1756.

"An Act, for erecting the upper Part of *Anſon* County into a County and Pariſh, by the Name of *Rowan* County, and St. *Luke*'s Pariſh, and for appointing a Place for holding a Court in ſaid County." Paſſed in the Year 1753.

"An Act, for the further and better Regulation of the Town of *Wilmington*, and for repealing the ſeveral Acts therein mentioned." Paſſed in the Year 1754.

"An Act, for granting unto the Town of *Brunſwick*, the Privilege of chuſing and ſending a Repreſentative to the General Aſſembly." Paſſed in the Year 1754.

"An Act, for erecting the upper Part of *Bladen* County into a County and Pariſh, by the Name of *Cumberland* County, and St. *David*'s Pariſh. Paſſed in the Year 1754; containing certain Clauſes forbid by his Majeſty's ſaid Orders, dated the Firſt Day of *July*, One Thouſand Seven Hundred and Fifty-five, be, and are hereby repealed, and from henceforth declared void and of none Effect.

CHAP. X.

An Act, to amend an Act, for impowering the ſeveral Commiſſioners therein after named, to make, mend, and repair, all Roads, Bridges, Cutts and Water-Courſes, already laid out, or hereafter to be laid out, in the ſeveral Counties and Diſtricts therein after appointed, in ſuch Manner as they judge moſt uſeful to the Public; and other Purpoſes.

Private.

I. WHEREAS the Act, intituled, *An Act, for impowering the ſeveral Commiſſioners herein after named, to make, mend and repair, all Roads, Bridges, Cutts, and Water-Courſes, already laid out, or hereafter to be laid out, in the ſeveral Counties and Diſtricts therein after appointed, in ſuch Manner as they judge moſt uſeful to the Public*, hath not provided any Remedy for the Inconvenincies herein after mentioned:

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That all Perſons liable to work on the Public Roads, ſhall be obliged to work in the Diſtrict where they tend the Crop, and not in any other, altho' they ſhould be ſummoned by Virtue of a Summon iſſued by a Commiſſioner or Commiſſioners of the Roads of any other Diſtrict for that Purpoſe.

III. AND alſo whereas, by another Act, intituled, *An Act to impower the Juſtices of* Johnſton *County to divide the ſame into Diſtricts, and to appoint Commiſſioners for the Roads*; the ſaid Juſtices neglected to divide the ſaid County into Diſtricts, and appoint Commiſſioners for the Roads, within the Time preſcribed by the laſt recited Act; *Be it Enacted, by the Authority aforeſaid*, That the Juſtices of the ſaid County Court, may, at any Time after the paſſing of this Act, divide the ſaid County into Diſtricts, and appoint Commmiſſioners of the Roads; which ſaid Commiſſioners ſo appointed, ſhall be inveſted with the ſame Powers and Authorities, as other Commiſſioners appointed by the firſt recited Act. And that all Roads heretofore laid out, and worked upon by the Directions of the Commiſſioners appointed by the County Court, altho' not appointed within the Time limited in the laſt recited Act, ſhall be held to be uſeful for the Benefit of Travellers; and all Acts and Things done and performed by the Commiſſioners concerning the ſaid Roads, ſhall be, and are hereby deemed to be good and valid.

IV. AND

A. D. 1756.

IV. AND whereas there are but Four Commiſſioners of the Roads in the Diſtrict from *Old-Town* Creek to *Levingſton*'s Creek, in *New-Hanover* County; *Be it Enacted, by the Authority aforeſaid*, That Mr. *James Murray* is hereby appointed a Commiſſioner in the ſaid Diſtrict, and ſhall have the ſame Power and Authority as any other Commiſſioner of the Public Roads.

V. AND whereas *Bladen* County extends down the *North-Weſt* River of *Cape-Fear*, the Diſtance of Fifteen Miles below the upper Bounds of *New-Hanover* County, which makes it very inconvenient for the Inhabitants of *Bladen* County to work on the Public Roads in that Diſtrict: For Remedy whereof, *Be it Enacted, by the Authority aforeſaid*, That a *North-Eaſt* Line be run directly from, and oppoſite the Mouth of *Levingſton*'s Creek to *Black* River, then down the ſaid River to the Mouth thereof, and then up the *North-Weſt* River to the Mouth of the ſaid Creek; and all the Lands within the ſaid Bounds are hereby annexed to the County of *New-Hanover*; and ſhall hereafter be deemed and held to be within the Limits of the ſame, and made Part of the *North-Weſt* Diſtrict of *New-Hanover* County; and the Inhabitants thereof ſubject and liable to ſuch Duties, Taxes and Impoſitions, and alſo intitled to the Rights, Privileges and Advantages, as the other Inhabitants of the ſaid County are.

VI. AND whereas a nearer and more convenient Road than that now uſed, may be made from the Ferry at *Mount-Miſery* towards *South-Carolina*; *Be it Enacted, by the Authority aforeſaid*, That the Commiſſioners of the Roads for the *North-Weſt* Diſtrict of *New-Hanover* County, or the Majority of them, ſhall, and they are hereby impowered and required, as ſoon as conveniently may be, to lay out, or cauſe to be laid and ſtaked out, the ſaid Road from *Mount-Miſery* aforeſaid; and the Commiſſioners of the ſeveral Diſtricts through which the ſaid Road ſhall paſs, ſhall make and clear the ſaid Road, make, mend, and repair the Bridges thereof, within their ſeveral and reſpective Diſtricts; under the ſame Penalties and Forfeitures, as they are liable to for their Neglect of any other Public Roads.

VII. *PROVIDED neverthelefs*, That the Commiſſioners of the *North-Weſt* Diſtrict of *New-Hanover* County, ſhall not be liable to any Penalties for not clearing the River, until their Part of the Road from the Ferry at *Mount-Miſery* towards *South-Carolina*, is finiſhed; any Thing herein contained to the contrary notwithſtanding.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That another Diſtrict ſhall be, and is hereby appointed, by the Name of the *South* Diſtrict of St. *Philip*'s Pariſh; which Diſtrict ſhall include the Forks of *Town-Creek*, thence to the Forks of *Lockwood*'s Folly, thence down the *South-Weſt* Side of *Lockwood*'s Folly River, to the *South* Bounds of this Province, and to the Bounds of the County of *New-Hanover*; and that Mr. *Richard Eagles*, Jun. Mr. *William Alſton*, and Mr. *Uſher Eſpy*, be Commiſſioners of the Roads for the ſaid Diſtrict, with the ſame Power and Authorities, and liable to the ſame Duties and Penalties, as any other Commiſſioners of the Roads.

A. D. 1756.

" An Act, for erecting the upper Part of *Anſon* County into a County and Pariſh, by the Name of *Rowan* County, and St. *Luke*'s Pariſh, and for appointing a Place for holding a Court in ſaid County." Paſſed in the Year 1753.

" An Act, for the further and better Regulation of the Town of *Wilmington*, and for repealing the ſeveral Acts therein mentioned." Paſſed in the Year 1754.

" An Act, for granting unto the Town of *Brunſwick*, the Privilege of chuſing and ſending a Repreſentative to the General Aſſembly." Paſſed in the Year 1754.

" An Act, for erecting the upper Part of *Bladen* County into a County and Pariſh, by the Name of *Cumberland* County, and St. *David*'s Pariſh. Paſſed in the Year 1754; containing certain Clauſes forbid by his Majeſty's ſaid Orders, dated the Firſt Day of *July*, One Thouſand Seven Hundred and Fifty-five, be, and are hereby repealed, and from henceforth declared void and of none Effect.

CHAP. X.

An Act, to amend an Act, for impowering the ſeveral Commiſſioners therein after named, to make, mend, and repair, all Roads, Bridges, Cutts and Water-Courſes, already laid out, or hereafter to be laid out, in the ſeveral Counties and Diſtricts therein after appointed, in ſuch Manner as they judge moſt uſeful to the Public; and other Purpoſes.

Private.

I. WHEREAS the Act, intituled, *An Act, for impowering the ſeveral Commiſſioners herein after named, to make, mend and repair, all Roads, Bridges, Cutts, and Water-Courſes, already laid out, or hereafter to be laid out, in the ſeveral Counties and Diſtricts therein after appointed, in ſuch Manner as they judge moſt uſeful to the Public*, hath not provided any Remedy for the Inconvenincies herein after mentioned:

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That all Perſons liable to work on the Public Roads, ſhall be obliged to work in the Diſtrict where they tend the Crop, and not in any other, altho' they ſhould be ſummoned by Virtue of a Summon iſſued by a Commiſſioner or Commiſſioners of the Roads of any other Diſtrict for that Purpoſe.

III. AND alſo whereas, by another Act, intituled, *An Act to impower the Juſtices of* Johnſton *County to divide the ſame into Diſtricts, and to appoint Commiſſioners for the Roads*; the ſaid Juſtices neglected to divide the ſaid County into Diſtricts, and appoint Commiſſioners for the Roads, within the Time preſcribed by the laſt recited Act; *Be it Enacted, by the Authority aforeſaid*, That the Juſtices of the ſaid County Court, may, at any Time after the paſſing of this Act, divide the ſaid County into Diſtricts, and appoint Commmiſſioners of the Roads; which ſaid Commiſſioners ſo appointed, ſhall be inveſted with the ſame Powers and Authorities, as other Commiſſioners appointed by the firſt recited Act. And that all Roads heretofore laid out, and worked upon by the Directions of the Commiſſioners appointed by the County Court, altho' not appointed within the Time limited in the laſt recited Act, ſhall be held to be uſeful for the Benefit of Travellers; and all Acts and Things done and performed by the Commiſſioners concerning the ſaid Roads, ſhall be, and are hereby deemed to be good and valid.

IV. AND

A. D. 1756.

IV. AND whereas there are but Four Commiſſioners of the Roads in the Diſtrict from *Old-Town* Creek to *Levingſton*'s Creek, in *New-Hanover* County; *Be it Enacted, by the Authority aforeſaid*, That Mr. *James Murray* is hereby appointed a Commiſſioner in the ſaid Diſtrict, and ſhall have the ſame Power and Authority as any other Commiſſioner of the Public Roads.

V. AND whereas *Bladen* County extends down the *North-Weſt* River of *Cape-Fear*, the Diſtance of Fifteen Miles below the upper Bounds of *New-Hanover* County, which makes it very inconvenient for the Inhabitants of *Bladen* County to work on the Public Roads in that Diſtrict: For Remedy whereof, *Be it Enacted, by the Authority aforeſaid*, That a *North-Eaſt* Line be run directly from, and oppoſite the Mouth of *Levingſton*'s Creek to *Black* River, then down the ſaid River to the Mouth thereof, and then up the *North-Weſt* River to the Mouth of the ſaid Creek; and all the Lands within the ſaid Bounds are hereby annexed to the County of *New-Hanover*; and ſhall hereafter be deemed and held to be within the Limits of the ſame, and made Part of the *North-Weſt* Diſtrict of *New-Hanover* County; and the Inhabitants thereof ſubject and liable to ſuch Duties, Taxes and Impoſitions, and alſo intitled to the Rights, Privileges and Advantages, as the other Inhabitants of the ſaid County are.

VI. AND whereas a nearer and more convenient Road than that now uſed, may be made from the Ferry at *Mount-Miſery* towards *South-Carolina*; *Be it Enacted, by the Authority aforeſaid*, That the Commiſſioners of the Roads for the *North-Weſt* Diſtrict of *New-Hanover* County, or the Majority of them, ſhall, and they are hereby impowered and required, as ſoon as conveniently may be, to lay out, or cauſe to be laid and ſtaked out, the ſaid Road from *Mount-Miſery* aforeſaid; and the Commiſſioners of the ſeveral Diſtricts through which the ſaid Road ſhall paſs, ſhall make and clear the ſaid Road, make, mend, and repair the Bridges thereof, within their ſeveral and reſpective Diſtricts; under the ſame Penalties and Forfeitures, as they are liable to for their Neglect of any other Public Roads.

VII. *PROVIDED neverthelefs*, That the Commiſſioners of the *North-Weſt* Diſtrict of *New-Hanover* County, ſhall not be liable to any Penalties for not clearing the River, until their Part of the Road from the Ferry at *Mount-Miſery* towards *South-Carolina*, is finiſhed; any Thing herein contained to the contrary notwithſtanding.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That another Diſtrict ſhall be, and is hereby appointed, by the Name of the *South* Diſtrict of St. *Philip*'s Pariſh; which Diſtrict ſhall include the Forks of *Town-Creek*, thence to the Forks of *Lockwood*'s Folly, thence down the *South-Weſt* Side of *Lockwood*'s Folly River, to the *South* Bounds of this Province, and to the Bounds of the County of *New-Hanover*; and that Mr. *Richard Eagles*, Jun. Mr. *William Alſton*, and Mr. *Uſher Eſpy*, be Commiſſioners of the Roads for the ſaid Diſtrict, with the ſame Power and Authorities, and liable to the ſame Duties and Penalties, as any other Commiſſioners of the Roads.

A. D. 1756

IX. AND whereas many Diſputes have ariſen between the Inhabitants of the *White-Marſh* Diſtrict, in *Bladen* County, and the Commiſſioners of the Roads for that Diſtrict, concerning the Legality of their Appointment; *Be it Enacted, by the Authority aforeſaid*, That *Robert Rowan*, *Samuel Waters*, *John Turner*, *David Morley*, and *John Green*, be, and are hereby appointed Commiſſioners of the aforeſaid Diſtrict, with the ſame Powers and Authorities, and liable to the ſame Duties and Penalties, as any other Commiſſioners.

CHAP. XI.

Repealed

An Act, for eſtabliſhing Public Roads and Ferries, and for the better Regulation of the ſame in ſeveral Counties.

Roads and Ferries in ſeveral Counties eſtabliſhed, and C. Courts to ſettle Ferries, & order Roads where neceſſary.

I. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That all Roads and Ferries in the Counties of *Currituck*, *Paſquotank*, *Perquimons*, *Chowan*, *Bertie*, *Tyrrel*, *Edgcomb*, *Northampton*, and *Granville*, that have been laid out, or appointed by Virtue of any Act of Aſſembly heretofore made, or by Virtue of any Order of Court grounded thereon, are hereby declared to be Public Roads and Ferries; and that from Time to Time, and at all Times hereafter, the County Court of each of the ſaid Counties, ſhall have full Power and Authority to appoint and ſettle Ferries, and to order the laying out Public Roads, where neceſſary, and to appoint where Bridges ſhall be made, for the Uſe and Eaſe of the Inhabitants of each County, and to diſcontinue ſuch Roads as now are, or ſhall hereafter be made, as ſhall be found uſeleſs, and to alter Roads ſo as to make them more uſeful, as often as Occaſion ſhall require.

Roads to be laid out by a Jury.

II. *AND be it further Enacted*, That all Roads hereafter to be laid out, ſhall be laid out by a Jury of Twelve Men, appointed by the County Court; which Jury, being Freeholders, ſhall take an Oath to lay out the ſame to the greateſt Eaſe and Conveniency of the Inhabitants, and as little as may be to the Prejudice of any private Perſon; and the Damages which ſhall be ſuſtained by any private Perſon in laying out ſuch Road, ſhall be aſcertained by the ſame Jury, on Oath, who laid out ſuch Road, to be equally aſſeſſed by the Court, and levied and collected by the Overſeer of ſuch Road, on the tythable Perſons which ought to work on the ſame, and by him paid to the Party injured.

Damages ſuſtain'd by Perſons in laying out Roads, to be made good by the Diſtrict.

No Ferry to be kept within Ten Miles of another, on the ſame Water.

III. *AND be it further Enacted*, That if any Perſon or Perſons, after the paſſing this Act, not impowered to keep Ferry, ſhall pretend to keep any Ferry, or to tranſport any Perſon or Perſons, or their Effects, for Pay, within Ten Miles of any Ferry, (being on the ſame River or other Water) which is already, or hereafter ſhall be appointed, ſuch Perſon or Perſons ſo pretending to keep Ferry, or tranſporting any Perſon or Perſons, or their Effects, ſhall forfeit and pay the Sum of Twenty Shillings, Proclamation Money, for every ſuch Offence, to the neareſt Ferryman; to be recovered by a Warrant from any Juſtice of the Peace, upon full Proof thereof made before him.

Ferry-keepers to keep their Ferries well attended.

IV. *AND be it further Enacted*, That all ſuch Perſons who ſhall hereafter undertake to keep any Public Ferry by Appointment, and do not provide good and ſufficient

ſufficient Boats, or other proper Craft, and keep the ſame in good and ſufficient Repair, and well and ſufficiently attended, for the Paſſage of all Travellers and their Effects, ſhall forfeit and pay Ten Pounds, Proclamation Money, for every Neglect; one Half to the Informer, and the other Half for and towards leſſening the County Tax; to be recovered in the County Court where the Offence ſhall be committed.

Roads to be cleared 20 Feet wide, Bridges to be made over Swamps and Creeks, in what Manner.

V. *AND be it further Enacted*, That all Public Roads already laid out, or now in Uſe, or which hereafter ſhall be laid out, ſhall be cleared of and from all Trees, Stumps, and Bruſh, at leaſt Twenty Feet wide, and ſuch Limbs of Trees as may incommode Horſemen, ſhall be cut away; all Bridges or Cauſeways made, or to be made over Swamps, low Lands, or ſmall Runs of Water, the Pieces wherewith the ſame ſhall be made, ſhall be laid acroſs the Road, and at leaſt Fourteen Feet long, well ſecured, made faſt, and covered with Earth; and all Bridges over deep, and navigable Streams, ſhall be made at leaſt Twelve Feet wide, with good ſawed Plank, at leaſt Two Inches thick, with firm and ſtrong Poſts, Rails, and Bearers, well ſecured and faſtened; and for that Purpoſe, the Overſeer of the Road to which any of the Bridges aforeſaid ſhall belong, ſhall and may lawfully cut and take from off the Lands of any Perſon next adjacent to ſuch Bridge, ſuch, and ſo much Timber only, as ſhall be neceſſary for that Uſe.

Surveyors not able to make Bridges, Court of the County to do it; & Bridges over Streams that divide Counties, to be made at their joint Charge.

VI. *AND be it further Enacted*, That where a Bridge ſhall be neceſſary over any Place, where the Surveyors with their Aſſiſtants cannot conveniently make it, the Court of that County wherein ſuch Place ſhall be, is hereby impowered and required, to contract and agree for the building, keeping, and repairing thereof; and to levy the Charge in their County Levy: And when Bridges ſhall be neceſſary over any ſuch Creek or River which divides one County from another, the Court of each County ſhall join in the Agreement for building, keeping, and repairing the ſame, and the Charge thereof ſhall be defrayed by both Counties, in Proportion to the Number of Taxables in each.

All Contracts made by Juſtices about Bridges, to be binding againſt them and their Succeſſors.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Contract, Agreement, and Order by the Juſtices of the Court of any of the Counties aforeſaid, entered into, or made, for or concerning the building, keeping, or repairing Bridges, in ſuch Manner as to them ſhall ſeem moſt proper, ſhall be good and available againſt them, and their Succeſſors.

Court to appoint Overſeers annually, who are to ſummon Taxables to work on the Roads.

VIII. *AND be it further Enacted*, That the Courts of the ſaid Counties ſhall, annually, appoint Overſeers of the Highways or Roads, who are by this Act obliged to ſummon all Male Taxables, from the Age of Sixteen to Sixty, (except ſuch Perſons as are, or ſhall be exempted from Public Services by the Aſſembly) within their Diſtricts, to meet at ſuch Places and Times as to them ſhall ſeem convenient, for the repairing or making ſuch Roads as ſhall be neceſſary; and except ſuch as are, or have been heretofore by Law excuſed from appearing at Muſters, and ſuch as ſend Three Slaves to work on the Public Roads; and whoſoever ſhall, upon ſuch Summon, refuſe or neglect to appear, or to do and perform their Duty therein, ſhall forfeit and pay the Sum of Two Shillings and Eight Pence, Proclamation Money, for each Neglect,

Pen. on Taxables not appearing.

A. D. 1756. Neglect; to be recovered by a Warrant from a Magiſtrate of the County, and paid by the Sheriff or Conſtable unto the Overſeer; and by him to be expended in hiring other Hands to work on ſaid Roads. *Provided nevertheleſs*, That nothing herein contained ſhall be conſtrued to exempt Overſeers of Slaves from working on Roads.

Pen. on Overſeers neglecting the Roads.

IX. *AND be it further Enacted*, That all Overſeers of Roads which ſhall neglect or refuſe to do their Duty, as is by this Act directed, or who ſhall not keep Roads or Bridges clear, and in Repair, or let them remain uncleared or out of Repair, for and during the Space of Ten Days, unleſs hindered by extream bad Weather, ſuch Overſeer ſhall forfeit, for each and every ſuch Offence, the Sum of Twenty five Shillings, over and above ſuch Damages as may be ſuſtained; and to be revered by a Warrant from a Magiſtrate, by any Perſon taking out the ſame, and to be applied to his own Uſe.

Public Ferry-keepers to give Bond to the Crt.

X. *AND be it further Enacted*, That from and after the paſſing this Act, the Court of each of the ſaid Counties ſhall have full Power and Authority, and they are hereby directed and required, to compell all Perſons that now do, or hereafter ſhall be appointed to keep a Public Ferry, within the ſaid Counties, to give good and ſufficient Security in the Sum of One Hundred Pounds, Proclamation Money, payable to the Chairman of the ſaid Court, and his Succeſſors; with Condition, that he or they ſhall and will conſtantly find, provide, and keep good and ſufficient Boats, or other proper Crafts, in good Repair, always to be well attended for Travellers or other Perſons, their Horſes, Carriages, and Effects, over any River or Creek; and if any Perſon ſhall receive Damage by any Ferryman's not having complied with the Condition of his Bond, the Perſon who has ſo received Damage, ſhall and may bring an Action of Debt againſt ſuch Ferryman on the ſaid Bond, in the Name of the Chairman, and recover, for the Non-Performance of the ſaid Condition, ſo much Damages as he ſhall appear to have ſuſtained, and thereupon take out Execution for whatever ſhall be ſo recovered, and apply the ſame to his own Uſe: And it ſhall and may be lawful for any Perſon detained at any Public Ferry, by Means of the Ferryman's not having ſufficient Boat or other proper Craft, and Hands, or by his neglecting to do his Duty, by a Warrant from a Juſtice of Peace, to recover of ſuch Ferryman, Twenty-five Shillings, Proclamation Money, for ſuch Default or Neglect.

Which may be ſued on Breach of it.

25 s. may be recovered of any Ferryman, cauſing Delay, before a Juſtice.

County Courts may direct Overſeers to clear navigable Creeks.

XI. *AND be it further Enacted*, That upon proper Application made to any of the County Courts mentioned in this Act, for clearing navigable Creeks in their reſpective Counties, it ſhall and may be lawful for the ſaid Courts, and they are hereby directed and required, to appoint ſuch Overſeers of the Roads as live moſt convenient to ſuch Creeks, with their Companies, to do and perform the ſame as ſoon as may be, after being ſo directed; and upon Neglect or Refuſal of ſuch Overſeer or Company, or any of them, to do and perform ſuch Work or Service, upon due Proof thereof, he or they ſo refuſing or neglecting, ſhall be liable to the ſame Fines and Forfeitures as for Neglect or Refuſal of their Service on the Roads; which ſhall be recovered and applied in the ſame Manner.

Penalty for Neglect.

XII, *AND*

A. D. 1756.
Repealing Clauſe.

XII. *AND be it further Enacted*, That all and every Act and Acts, Clauſe and Article thereof, heretofore made, for or concerning any Matter or Thing within the Purview of this Act, is, and are hereby declared repealed, and from henceforth null and void.

CHAP. XII.

An Act, for the better Regulation of the Town of Newbern; *and for ſecuring the Titles of Perſons who hold Lots in the ſaid Town.*

See Act *Newb.* 1757, Chap. X. and *Nov.* 1760, Chap. X.

Private.

I. WHEREAS the Laws heretofore made for regulating the Town of *Newbern*, have been found inconvenient: For Remedy whereof,

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, it ſhall and may be lawful for the Freeholders of the ſaid Town, to meet at the Court-houſe, annually, on the Second *Tueſday* in *November*, and then and there to chuſe Five Freeholders of the ſaid Town, to be Commiſſioners for the enſuing Year; which Election of Commiſſioners, ſhall be by the Suffrage of the Majority of the Freeholders of the ſaid Town; and that upon the ſaid Commiſſioners being ſo choſen and elected, and their Names entered on the Journals of the ſaid Town, they ſhall, before they enter upon the Execution of their Office, take the following Oath:

I A. B. *do ſwear, That I will execute the Office of a Commiſſioner, for the Town of* Newbern, *faithfully, impartially, and truly, without Favour, Affection, or Prejudice; and that I will, to the utmoſt of my Power, in all Things, act for the Good of the ſaid Town, and the well governing of it, to the beſt of my Skill and Judgment.* So help me God.

Which ſaid Commiſſioners, after they have been ſo ſworn, ſhall proceed to chuſe one out of their Number to be Treaſurer of the ſaid Town; into whoſe Hands all Monies ariſing by the Sale of Lots in the ſaid Town, or otherwiſe howſoever ariſing or becoming due to the ſaid Town, ſhall be paid, and there kept till diſpoſed of as hereafter directed.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Treaſurer, before he enters upon the Execution of his ſaid Office, ſhall give Bond, with Two ſufficient Securities, in the Sum of Two Hundred Pounds, Proclamation Money, to the Commiſſioners of the ſaid Town, and their Succeſſors, for the faithful Diſcharge of his ſaid Office.

IV. AND for the better determining who ſhall be qualified to be elected as Commiſſioners of the ſaid Town; *Be it Enacted*, That no Perſon ſhall be deemed qualified to act as a Commiſſioner of the ſaid Town of *Newbern*, unleſs he hath a Lot of Land therein, with a Houſe on the ſame, of not leſs Dimenſions than Twenty-four Feet long, and Sixteen Feet wide, with a Brick Chimney or Chimnies to the ſame; and who ſhall have beſides, a viſible Eſtate, of at leaſt One Hundred Pounds, Proclamation Money.

A. D. 1756. V. AND whereas by the Laws heretofore made for regulating the ſaid Town, the Method therein preſcribed for clearing the Streets, making and repairing Bridges, and Public Wharfs, has been found inconvenient: *Be it Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town, together with the Freeholders thereof, ſhall meet at the Court-Houſe in the ſaid Town, on the Third *Tueſday* in *November* next, after the Paſſing of this Act, and ſo yearly, and every Year, on the ſaid Third *Tueſday* in *November*, and then and there, by the Conſent of the Majority of the ſaid Commiſſioners and Freeholders then met, lay ſuch a Tax on the Inhabitants of the ſaid Town, as ſhall be ſufficient to defray the Expence of clearing, making and repairing the Streets, making and mending Public Wharfs and Bridges, and for doing all Public Services the Inhabitants of the ſaid Town are now ſubject to do and perform; and for defraying the Expence of procuring a correct Plan of the ſaid Town, and for all other neceſſary Expences the Commiſſioners may be at, in building a Pound, employing a Clerk, or appointing Guards or Watches, or other Contingencies that may happen; provided the ſaid Tax does not exceed the Sum of Ten Shillings, Proclamation Money, *per* Poll; which ſaid Tax ſhall be collected by the Sheriff of the County of *Craven*, and paid to the Treaſurer of the ſaid Town, within one Month after the ſame ſhall be laid; and if any Perſon ſhall withhold, and not pay the ſaid Tax within one Month after the ſame is laid, it ſhall and may be lawful for the ſaid Sheriff to make Diſtreſs and Sale of the Offender's Goods and Chattels, in the ſame Manner as for Non-Payment of other Taxes; and to take and receive for his Trouble Two Shillings and Eight-Pence, Proclamation Money.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Inhabitants of the ſaid Town of *Newbern*, ſhall be for ever hereafter excuſed from working on the Streets of the ſaid Town, or from working on the Country Public Roads, ſo long as they continue to live in the ſaid Town, and no longer.

VII. AND whereas the Settlement of the ſaid Town of *Newbern* hath been much retarded, by Perſons taking up Lots in the ſaid Town, and not building thereon, as by the Tenor of their Deeds or Grants is provided: And whereas after the Time limited therein for improving the ſame, the ſame Perſons have been permitted to enter and take up the ſame again, whereby many Lots in the ſaid Town lie unimproved: For Prevention whereof; *Be it Enacted by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town, for the Time being, or any Three of them, are hereby authorized, impowered and directed, to grant, convey, and acknowledge, under the ſame Reſtrictions and Limitations in Deeds given for Lots by former Commiſſioners of the ſaid Town, to any Perſon requiring the ſame, and to their Heirs and Aſſigns for ever, in Fee-ſimple, any Lot or Lots of Land within the ſaid Town, not already taken up and built on, agreeable to the Laws heretofore made for regulating the ſaid Town; or any Lot or Lots that may hereafter be liable to be taken up for Want of being built on as aforeſaid; he or they paying for each Lot, Twenty Shillings, Proclamation Money, for the Purchaſe Money thereof, to and for the Uſe of the Proprietors of the ſaid Town.

VIII. *PROVIDED neverthelefs*, That where any Perſon or Perſons ſhall hereafter take up any Lot or Lots in the ſaid Town, and ſhall not build thereon, within

within Eighteen Months from the Date of their Conveyance, a good habitable, Brick, Stone, or Framed Houſe, of not leſs Dimenſions than Sixteen Feet wide, and Twenty Four Feet long, the ſame Perſon (except where the Title of ſuch Lot or Lots, before the Expiration of the Time for building thereon, ſhall fall to a Minor or Minors) ſhall not be allowed to take up the ſame again, until the ſaid Lot or Lots hath lain vacant Six Months; but the ſame may be immediately, or at any Time, granted to any other Perſon or Perſons deſiring the ſame, on the Conditions herein before mentioned. A. D. 1756.

IX. AND whereas ſundry Diſputes may hereafter ariſe, concerning the Titles to Lots in the ſaid Town of *Newbern*, and the Bounds thereof; *Be it Enacted, by the Authority aforeſaid*, That the Commiſſioners or Juſtices, formerly appointed by an Act of Aſſembly of this Province, and their Succeſſors, are hereby declared to have had a good, abſolute and indefeaſible Eſtate, in Fee, in the Two Hundred and Fifty Acres of Land, laid out by the ſaid Act, for the ſaid Town of *Newbern*, in Truſt and Confidence, to and for the Uſes in the ſaid Act mentioned; and the Commiſſioners by this Act to be elected and choſen, are hereby declared to have a good, abſolute, and indefeaſible Eſtate, in Fee, in all ſuch Lots within the ſaid Town, which have not been diſpoſed of by the former Commiſſioners or Juſtices, and built on agreeable to Law, in Truſt and Confidence, to and for the Uſes in this Act mentioned; and the ſaid Two Hundred and Fifty Acres of Land, laid out for the Town of *Newbern*, as aforeſaid, ſhall, for ever hereafter, be confirmed to the ſaid Commiſſioners for the Time being, in Truſt and Confidence, to and for the Uſes in this Act mentioned. And all and every Perſon and Perſons whatſoever, who have heretofore purchaſed and paid for any Lot or Lots in the ſaid Town, and have fully complied with the Conditions of their Deed or Grant, or who may hereafter purchaſe, pay for, and fully comply with the Conditions of their Deed or Grant, are hereby declared to be inveſted with a good, abſolute and indefeaſible Eſtate, in Fee, to ſuch Lot or Lots, and the ſame are hereby confirmed, in Fee, to ſuch Perſon or Perſons, and to his and their Heirs and Aſſigns for ever.

X. *AND be it further Enacted, by the Authority aforeſaid*, That all Water or Front Lots adjoining the Streets or Lots of the ſaid Town of *Newbern*, ſhall be deemed, held and taken to be Part of the ſaid Town; and it ſhall and may be lawful for any Perſon to take up the ſame, and build thereon, any Wharf, Store-houſe, or other Improvement as they ſhall think proper, after giving Three Months Notice in Writing to the Owner or Owners of ſuch Lot or Lots as ſhall front ſuch Water Lots: And where any of the ſaid Water or Front Lots have been heretofore ſold and conveyed by *Cullen Pollock*, Eſq; deceaſed, the late Proprietor of the ſaid Town, or any former Commiſſioners of the ſaid Town, to any Perſon or Perſons whatſoever, ſuch Sale is hereby declared to be good and available in Law, to paſs the Fee-ſimple Eſtate of ſuch Lot or Lots to ſuch Purchaſer or Purchaſers, his or their Heirs and Aſſigns, for ever; and ſuch Purchaſer or Purchaſers, his or their Heirs and Aſſigns, are hereby declared to have a good, abſolute, and indefeaſible Eſtate, in Fee, in and to the ſame.

XI. AND for quieting the Inhabitants of the ſaid Town in the Poſſeſſion of their

A D. 1756. their Lots within the ſame; *Be it Enacted, by the Authority aforeſaid*, That where a Certificate ſhall be obtained from the Commiſſioners of the ſaid Town, or Oath made in the County Court of *Craven*, by one credible Witneſs, that any Lot or Lots within the ſaid Town have been ſaved according to the Deed or Grant for the ſame, ſuch Certificate or Oath ſhall be deemed good Evidence in any Court within this Province, againſt any other ſubſequent Deed or Deeds that ſhall or may be given for any Lot or Lots within the ſaid Town; and all Courts within this Province, are hereby required to receive ſuch Certificate or Oath as Evidence accordingly.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town, ſhall chuſe a proper Perſon to be Clerk of the ſaid Town; who ſhall, before he enters upon the Execution of his Office, give Bond to the Commiſſioners of the ſaid Town, with Two good and ſufficient Sureties, in the Sum of One Hundred Pounds, for the due Execution of his Office; which Clerk ſhall keep a regular and fair Journal of all the Proceedings of the Commiſſioners of the ſaid Town, and regiſter therein all Deeds given by the Commiſſioners for Lots in the ſaid Town, with the Time when they were granted, and to whom, and alſo of the Time when the ſame became lapſable, if ſuffered to become ſo; to which Book all Perſons ſhall have free Acceſs, on paying One Shilling, Proclamation Money, on Penalty of Twenty Shillings like Money, for every Refuſal; to be recovered as herein after directed: And the ſaid Commiſſioners are hereby impowered and required to cauſe the Streets and Paſſages of the ſaid Town to be laid out, beginning at the *South-Weſt* Corner of the Church Lots; and good ſubſtantial Poſts to be ſet up at the Corner of every Square of Lots in the ſaid Town; and alſo, to cauſe a true and exact Plan of the ſaid Town to be made, with proper Deſcriptions, and lay the ſame before the next Seſſion of Aſſembly; and if by them approved of, to be for ever hereafter deemed the true Plan of the ſaid Town. *Provided*, That in ſuch Plan Regard be had to the firſt Owner of every ſaved Lot, to preſerve his Title thereto, although it ſhould appear to be miſ-numbered.

XIII. AND whereas the Fence lately erected round the ſaid Town, is, by Reaſon of its being done with Rails only, gone greatly to decay, the Rails being many of them rotten: And whereas it will be commodious for the Inhabitants of the ſaid Town, that the ſaid Fence be kept in good Repair; *Be it Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners and Freeholders, at the Time they lay the Tax on the Inhabitants of the ſaid Town, for clearing the Streets thereof, ſhall, and they are hereby impowered and required, to lay ſuch other Tax on the Owner or Owners of every ſaved Lot or Lots within the ſaid Town, as ſhall be ſufficient to fence the ſaid Town with Poſts and Rails, and to keep the ſame in continual Repair; provided that ſuch Tax does not exceed One Shilling, Proclamation Money, in any one Year: And the ſaid Commiſſioners are hereby alſo impowered and required, to employ a proper Perſon, annually, to keep the ſaid Fence in Repair; and alſo, to diſpoſe and make Sale of the remaining Rails now to be found belonging to the ſaid Fence, for the beſt Price that can be got for the ſame, and to apply the Money to the common Stock of the ſaid Town; which ſaid Tax ſhall be collected and paid in the ſame Manner of the Tax laid on the Inhabitants for clearing the Streets of the ſaid Town.

XIV. *AND*

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon ſhall willfully pull down, take away, or by any Means deſtroy the Rails of the ſaid Fence, or ſhall willfully unhang, leave open, or otherwiſe injure the Gates of the ſaid Town, whereby Horſes, or other Creatures may be let out of the ſaid Town; ſuch Perſon or Perſons, being thereof lawfully convicted, ſhall forfeit and pay, for the firſt Offence, Forty Shillings, Proclamation Money; and for the ſecond and every ſubſequent Offence, Three Pounds like Money; to be recovered as herein after directed; and if any Offender ſhall not be able to pay ſuch Fine, or is a Servant or Slave, he, ſhe, or they, ſhall receive at the Public Whipping-Poſt, Thirty Nine Laſhes, on his, her, or their bare Back, well laid on.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon Inhabitant or Freeholder of the ſaid Town, ſhall keep running at large therein, more than one Cow and Calf, and one Horſe, or Six Head of Sheep, for every ſaved Lot he or ſhe ſhall be poſſeſſed of, on Penalty of Twenty Shillings for every Offence, to be recovered as herein after directed. And that no Perſon whatſoever (except the Inhabitants or Freeholders thereof) ſhall keep running at large, in the ſaid Town, any Horſes, Cattle, Sheep, or Hogs, (except their riding Horſes, during their Stay therein, and Perſons bringing Cattle to the Market of the ſaid Town) on Penalty of Twenty Shillings, Proclamation Money, for every Offence, to be recovered as herein after directed: And the Commiſſioners of the ſaid Town ſhall cauſe a Pound to be built, wherein ſhall be impounded all Hogs, Cattle, Horſes, or Sheep, found running at large in the ſaid Town, contrary to this Act.

XVI. AND that the ſaid Town of *Newbern* may be the better regulated; *Be it Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners, or the Majority of them, ſhall have full Power and abſolute Authority to paſs ſuch neceſſary Rules and Orders as to them ſhall ſeem meet, for removing all Nuſances within the Bounds of the ſaid Town, for Perſons to remove Dirt and Rubbiſh from before their Doors, to grub and clear their Lots, and make proper Drains and Water-Courſes through them; for pulling down all Wooden Chimnies already built in the ſaid Town, and preventing the Building thereof for the future, in Order to prevent Dangers by Fire, provided that Six Months Notice be given to the Owners of ſuch Chimnies as are already built, to pull down the ſame; and for all other Things that may tend to the Advantage and Improvement of the ſaid Town, ſo as the ſame be not repugnant, but as near as may be, agreeable to the Laws of *England* and this Province.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That all Fines and Forfeitures in this Act mentioned, the Recovery of which is not otherwiſe directed, ſhall be by Warrant under the Hands and Seals of the Commiſſioners, or the Majority of them, directed to any ſworn Officer of the County of *Craven*, to convene ſuch Delinquent or Delinquents before them, at a certain Day mentioned in the ſaid Warrant, and on Conviction, to give Judgment, and award Execution, for ſuch Officer to levy the ſaid Fine by Diſtreſs and Sale of the Offender's Goods and Chattels; which ſaid Fines ſuch Officer ſhall pay into the Hands of the Treaſurer of the ſaid Town, as Part of the common Stock, and ſhall be applied towards defraying the contingent Charges of the ſaid Town: And the Commiſſioners of the ſaid Town,

A. D. 1756. or the Majority of them, are hereby inveſted with full Power and Authority to lay out and appropriate all Monies which ſhall be paid to the ſaid Treaſurer by Virtue of this Act, as they ſhall think moſt for the Good of the ſaid Town: And the ſaid Treaſurer ſhall be obliged to account with, and pay to the Proprietor of the ſaid Town, all Monies which he ſhall receive for the Purchaſe of Lots in the ſaid Town; and alſo ſhall pay all Monies belonging to the ſaid Town, to ſuch Perſon or Perſons as the Commiſſioners, or the Majority of them, ſhall direct, by Warrant under their Hands, to him directed.

XVIII. AND that the Number of Commiſſioners for the ſaid Town may be always kept up; *Be it Enacted*, That if any of the ſaid Commiſſioners ſhall die, or remove out of the Province, or refuſe to qualify, the remaining Commiſſioners ſhall elect and chuſe others in the Room and Stead of thoſe ſo dying, removing, or refuſing to qualify as aforeſaid.

XIX. AND for the Encouragement of the ſaid Town of *Newbern*, *Be it Enacted by the Authority aforeſaid*, That the Clerk of the Court of *Craven* County, and the Sheriff of the ſaid County, ſhall keep their reſpective Offices in the ſaid Town, on Penalty of Five Pounds for every Week they ſhall neglect the ſame; to be recovered in any Court of Record in this Province, where the ſame is cognizable, by any Perſon that ſhall ſue for the ſame. And all Elections, and other Public Buſineſs of the like Nature, belonging or appertaining to the County of *Craven*, ſhall be held and done in the ſaid Town, and at no other Place whatſoever.

XX. AND whereas heretofore little Regard hath been paid to the Orders given by the Commiſſioners of the ſaid Town of *Newbern*; *Be it Enacted*, That the Commiſſioners of the ſaid Town, for the Time being, or the Majority of them, ſhall have full Power and Authority to lay ſuch Fine on any Perſon or Perſons that ſhall refuſe or neglect to obey any of the Rules and Orders that ſhall be paſſed by the ſaid Commiſſioners, or the Majority of them, for the better regulating of the ſaid Town, as they ſhall think fit, not exceeding Twenty Five Shillings, Proclamation Money; and on Refuſal or Neglect to pay the ſame immediately, to iſſue their Warrant, directed to any ſworn Officer, to levy the ſame by Diſtreſs and Sale of the Offender's Goods and Chattels, the like Proceedings being firſt had as before directed for the Commiſſioners to obſerve, in the Recovery of Fines impoſed by this Act.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That all and every other Act and Acts, Clauſe and Clauſes, Article and Articles thereof, heretofore made, for ſo much thereof as relate to any Matter or Thing within the Purview of this Act, is hereby repealed, made void, and of none Effect.

CHAP. XIII.

An Act, for the Regulation of the Town of Wilmington.

Private. I. WHEREAS the erecting and eſtabliſhing the Town of *Wilmington*, hath been found highly beneficial and convenient to the Inhabitants of the *Southern*

thern Parts of this Province, and others carrying on Commerce with them: For the better Regulation and Improvement of the ſaid Town, A. D. 1756.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Town called *Wilmington*, lying on the *Eaſt* Side of the *North-Eaſt* Branch of *Cape-Fear* River, ſhall be bounded and circumſcribed in Manner following; that is to ſay, To the *North-Eaſt* by the Lands of the late Governor *Gabriel Johnſton*, Eſq; deceaſed; upwards and below, by the Lands formerly belonging to *Michael Dyer*; running back One Hundred and Twenty Poles from the River, as may more fully appear by the Plan of a Survey of the ſaid Town, made in the Year of our Lord One Thouſand Seven Hundred and Thirty three, now in the Secretary's Office; which Plan ſhall be for ever hereafter the true and exact Plan of the ſaid Town; by a Reference to which, all Diſputes in Regard to Streets, Squares, Lots, and their Boundaries, are to be determined for the future.

III. *AND be it further Enacted, by the Authority aforeſaid,* That for ever after the Paſſing of this Act, the Courts of the County of *New-Hanover*, the Election of Repreſentatives to be ſent to the General Aſſembly for the ſaid Town or County, the Election of Veſtrymen for the Pariſh of St. *James*, and all other Public Elections for the ſaid County and Town, ſhall be made and held in the Town of *Wilmington*, and at no other Place; any Law, Uſage or Cuſtom to the contrary, notwithſtanding.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That the Sheriff of the County of *New-Hanover*, the Clerk of the Court for the ſaid County, and the Regiſter of the ſaid County, for the Time being, ſhall for ever hold and keep their reſpective Offices in the ſaid Town of *Wilmington*; and that if any of the ſaid Officers ſhall neglect or refuſe ſo to do, each of them ſo neglecting or refuſing, ſhall, for every Week he ſhall be a Delinquent, forfeit and pay the Sum of Forty-five Shillings, Proclamation Money; to be recovered by any Perſon who ſhall ſue for the ſame, in the County Court of *New-Hanover*, by Action of Debt, Bill, Plaint, or Information; wherein no Eſſoign, Injunction, Protection, Privilege, or Wager of Law, ſhall be allowed or admitted of: One Half to ſuch Informer, the other Half to the Commiſſioners of the ſaid Town for the Time being, to be applied for the Uſe and Benefit of the ſaid Town.

V. AND whereas by the Unſkillfulneſs of former Surveyors, and Neglect of the Proprietors, the Courſe of the Streets, and Bounds of the Squares and Lots, were never properly aſcertained, by which many Houſes are miſplaced, ſome encroaching upon the Streets, and others upon the Lots of their Neighbours: For Remedy whereof, *Be it Enacted by the Authority aforeſaid,* That all ſuch Houſes as are now built, either wholly or in Part, upon the Streets, ſhall be allowed to remain ſo, until they are no longer tenantable, and then the Owner ſhall be obliged to pull ſuch Houſe or Houſes down, and clear the Street or Streets of all the Rubbiſh; and when they build, to build within his, her, or their Lot or Lots; under the Penalty of Fifty Pounds, Proclamation Money; to be recovered as herein after is directed. And where any Perſon or Perſons has the whole, or any Part of his or their Houſe or Houſes, not having a Brick Chimney, or Brick or Stone Cellar, on

A. D. 1756. on another Perſons Ground, then it ſhall and may be lawful for the Party injured, to give Notice in Writing to the Owner or Owners of ſuch Houſe or Houſes, to remove what Part of the ſame may be on ſuch Perſon or Perſons Lot or Ground, in Six Months after the Date of ſuch Notice, which he or they ſhall be obliged to do, under the Penalty of Fifty Pounds, Proclamation Money; to be recovered in the Supreme Court of the Diſtrict of *New-Hanover* County, by the Party ſo injured, and to be applied to his proper Uſe, and to no other Purpoſe whatſoever.

VI. *PROVIDED neverthelefs*, That in Caſe ſuch Houſe or Houſes have one or more Brick or Stone Chimney, or Brick or Stone Cellar, then the Owner or Proprietor of ſuch Houſe or Houſes, ſhall not be obliged to move the ſame, but may be at Liberty, and is hereby allowed to pay a Ground-Rent, for what Part he encroaches upon his Neighbour, where Notice or Warning was not, before the building of ſuch Chimney or Cellar, given of ſuch Encroachment; which Rent, and all Diſputes ariſing about Encroachments and Damages upon Lots, ſhall be aſcertained and determined by the Commiſſioners of the Town, or the Majority of them. And that the ſaid Commiſſioners may be the better enabled to diſcharge their Truſt, they are hereby required, at the Expence of the Town, to get a Copy of the aforeſaid Plan of the ſaid Town, lodged in the Secretary's Office; and in Caſe any Diſputes ſhould hereafter ariſe, to lay out the Streets or Lots according thereto, beginning at the *South-Eaſt* Corner of Mr. *John Morris*'s Houſe, on *Market* Street, near the Court-houſe; from which Corner all future Surveys of the ſaid Town ſhall be commenced.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners, or the Majority of them, ſhall determine all Complaints of Nuſances, by Lumber or Rubbiſh lying upon the Streets or Wharfs, Dangers of Fire ariſing from Wooden Chimnies, or any ſuch hazerdous Buildings, and paſs ſuch Orders as they ſhall think neceſſary for the Removal of the ſame.

VIII. AND whereas the Inhabitants have been at a great Expence in building a Public Wharf where Boats may come to and diſcharge; *Be it further Enacted, by the Authority aforeſaid*, That no Veſſel or Veſſels ſhall lie at the ſaid Wharf, or at any other Public Wharf to be built for the future, without Licenſe firſt obtained from the Commiſſioners; and if any Perſon or Perſons ſhall incumber any of the ſaid Wharfs with Naval Stores, Lumber, or any other Thing whatſoever, ſuch Perſon or Perſons ſhall be obliged to remove ſuch Incumbrances within Twenty Four Hours after Notice thereof given by the Commiſſioners, or the Majority of them, under the Penalty of Forty Shillings Proclamation Money, to be recovered by a Warrant from the Commiſſioners of the ſaid Town.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town for the Time being, or the Majority of them, are hereby impowered to paſs ſuch Orders as they may judge proper, for the bringing to Juſtice, or proſecuting thoſe who ſhall deal or traffick with Negroes, without proper Tickets from their Maſters, Miſtreſſes, or Overſeers: And for preventing all Mobs or Cabals of Negroes, or others; for the more effectually bringing to Juſtice all Criminals

Criminals and Offenders againſt the Laws of this Province; and alſo for preſerving the Peace and Safety of the ſaid Town, to appoint proper Guards or Watches in the ſaid Town as often as Occaſion may require, to be ready on all Occaſions of Riot and Diſturbance, or to prevent Malefactors breaking the Priſon or Goal. *Provided*, That one of the Commiſſioners be of the Number of the ſaid Watch to give neceſſary Orders. *A. D.* 1756.

X. AND whereas the allowing of Hogs to run at large in the ſaid Town, is found to be a great Nuſance to the Inhabitants; *Be it Enacted, by the Authority aforeſaid*, That none of the Inhabitants of the ſaid Town ſhall, on any Pretence whatſoever, ſuffer any of their Hogs to run at large within the Bounds of the ſaid Town; and any Hog or Hogs, running at large, ſhall be forfeited to any Perſon who ſhall ſeize or kill the ſame.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners, or the Majority of them, are hereby directed to iſſue their Warrants, at leaſt twice every Year, to the Conſtables of the ſaid Town, to warn all Male Taxables to clear, repair, and pave the Streets, Lanes, or Alleys; make or mend the Public Wharfs, Docks or Slips; make Water-Courſes within the Streets, that there may remain no ſtanding Water; and alſo to appoint Overſeers: And any Perſon refuſing or neglecting to work as directed in the Warrant, or to furniſh a good and ſufficient Hand in his or their Place, with proper Tools, ſhall forfeit and pay Two Shillings and Eight Pence, Proclamation Money, *per* Day, for every Day he ſhall ſo refuſe or neglect: And if any Perſon ſo appointed Overſeer, ſhall refuſe or neglect to ſerve as ſuch, he or they ſhall forfeit and pay Twenty Shillings, Proclamation Money, *per* Day, for every Day he ſhall ſo refuſe or neglect; to be recovered in the ſame Manner as the Fines and Forfeitures are to be recovered by the Commiſſioners of the Roads; and the Money ſo recovered, ſhall be applied towards hiring Labourers to clear, repair, and pave the Streets, or any other Public Work in the ſaid Town.

XII. *PROVIDED always*, That no Perſon exempted by Law from working on Public Roads, ſhall be themſelves compelled to work on the ſaid Streets, Lanes, Alleys, Wharfs, Docks or Slips, upon any Pretence whatſoever; nor ſhall any Perſon be compelled to work above Twelve Days in the Year.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Inhabitants of the ſaid Town, ſhall be, and they are hereby exempt, and for ever hereafter excuſed from working on the Country Public Roads, during ſuch Time as they live in the ſaid Town, and no longer.

XIV. AND as there are many Lots in the ſaid Town not yet cleared, nor proper Drains nor Runs made through them to let the Waters have a free Courſe, to the manifeſt Injury and Unhealthineſs of the Inhabitants of the ſaid Town; *Be it further Enacted, by the Authority aforeſaid*, That Commiſſioners for the Time being, or the Majority of them, ſhall, and they are hereby directed, to order the Proprietor or Proprietors of any Lot or Lots, to clear all or any Part of them, and to

A. D. 1756. make proper Drains or Water-Courſes through them, within Six Months from the Time of the Date of ſuch Order, in Writing, ſigned by the Commiſſioners of the ſaid Town for the Time being, or the Majority of them; and any Perſon neglecting or refuſing, ſhall forfeit and pay the Sum of Twenty Shillings, Proclamation Money, for every Month they ſhall refuſe or neglect to obey ſuch Order; to be recovered by a Warrant, under the Hands of the Commiſſioners, or the Majority of them, directed to one of the Conſtables of the ſaid Town, on the Effects of ſuch Delinquent or Delinquents.

XV. AND whereas the Damages that may ariſe from Fire in the ſaid Town, may be very great, and a Neceſſity appears for providing one or more Water-Engines; *Be it Enacted, by the Authority aforeſaid*, That the Commiſſioners, or the Majority of them, ſhall, within Two Years after the Paſſing of this Act, value every Houſe within the Bounds of the ſaid Town, and lay a Tax not exceeding Two *per Cent.* on ſuch Value, upon every Owner or Owners of ſuch Houſe or Houſes; which Monies, ſo laid, ſhall, by Order of the ſaid Commiſſioners, or the Majority of them, be collected, and applied towards purchaſing Water-Engines, Buckets, Ladders, and other Inſtruments for the extinguiſhing of Fire; and if any Perſon ſhall neglect or refuſe to pay ſuch Tax, the ſame ſhall be levied by a Warrant under the Hands of the Commiſſioners, or the Majority of them, directed to one of the Conſtables of the ſaid Town, on the Effects of ſuch Delinquent or Delinquents.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners for the Time being, or the Majority of them, ſhall, and are hereby impowered, to paſs any Orders they may judge proper, for preventing the building of neceſſary Houſes on any Stream of Water running through the ſaid Town, or having Drains from ſuch Houſes into any of the ſaid Streams; to remove ſuch Houſes already built; for preventing of Cattle being kept up in a Penn above Three Days without being ſufficiently fed and watered; for preventing Mortar, Clay, or wooden Chimnies being built, and for pulling down ſuch as are already built; for making the People keep their Chimnies clean, and raiſing them to a proper Height, not under Four Feet above the Ridge of the Roof; for preventing the keeping of Naval Stores or Lumber in any Houſes whereby Damages may ariſe to Neighbours; for obliging all Perſons to clear the Streets before their Houſes, and for all other Things for the Good and Safety of the ſaid Town, and the proper Government of it, conſiſtent with the Laws of this Province; and to enforce ſuch Orders, by laying a Fine, not exceeding Forty Shillings, Proclamation Money, on all Perſons neglecting or refuſing to comply therewith.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners for the Time being, ſhall hire a Town Clerk, and ſhall keep a Town Book; in which ſhall be entered all the Orders they may make, the Defaulters on the Streets, and the Accounts of the Monies they may have received, the Manner they have applied ſuch Monies, and what Sums may remain in their Hands, under the Penalty of Fifty Pounds, Proclamation Money; to be recovered by any Perſon who ſhall or may ſue for the ſame, in the Supreme Court of the aforeſaid Diſtrict; wherein no Eſſoign, Injunction, Protection or Wager of Law, ſhall be allowed or admitted of.

XVIII. *AND*

XVIII. *AND be it further Enacted, by the Authority aforeſaid,* That the Commiſſioners, on going out of Office, ſhall pay into the Hands of their Succeſſors, ſuch Sum or Sums of Money as they have in their Hands; and in Caſe they ſhould neglect or refuſe ſo to do, they ſhall forfeit and pay Fifty Pounds, Proclamation Money; to be recovered by ſuch ſucceeding Commiſſioners, by Action of Debt, in the Supreme Court of the aforeſaid Diſtrict; wherein no Eſſoign, Protection, Injunction, or Wager of Law, ſhall be allowed or admitted of.

XIX. AND whereas often Times during Divine Service, there are great Diſturbances in the Streets, or near the Place where the ſame is performed; *Be it Enacted, by the Authority aforeſaid,* That the Conſtables in the ſaid Town, each in their Turn, ſhall be obliged to walk the Streets during the Time of Divine Service, to prevent all ſuch Diſturbances, and to apprehend all Delinquents, who ſhall be puniſhed as Breakers of the Sabbath.

XX. AND whereas it may be neceſſary to lay a Tax, annually, on all the male Taxables in the ſaid Town, towards defraying the neceſſary Charges that may accrue; *Be it Enacted, by the Authority aforeſaid,* That the Commiſſioners, or the Majority of them, for the Time being, are hereby impowered, within Twenty Days after their being elected by Virtue of this Act, to lay ſuch Tax as may be thought neceſſary, provided the ſame does not exceed Two Shillings, Proclamation Money, *per* Head; ſuch Tax to be collected by Warrant under the Hands and Seals of the Commiſſioners, or the Majority of them, directed to the Conſtables of the ſaid Town, or either of them, returnable in ſuch Time as ſhall be therein mentioned.

XXI. *AND be it further Enacted, by the Authority aforeſaid,* That the Commiſſioners, or the Majority of them, are hereby impowered to lay ſuch Fines on all who refuſe or neglect to obey any of their lawful Orders, after being made Public, as they may judge neceſſary, not exceeding Two Pounds, Proclamation Money, for each Default; to be levied by Warrant under the Hands and Seals of the ſaid Commiſſioners, or the Majority of them, directed to either of the Conſtables of the ſaid Town, who are hereby obliged to execute the ſame; which Fines, recovered as aforeſaid, ſhall be applied to the Public Fund or Stock of the ſaid Town.

XXII. *PROVIDED always,* That it ſhall and may be lawful for any Perſon or Perſons who ſhall think himſelf or themſelves injured by ſuch Fine, to appeal to the Juſtices of the County Court, who are hereby impowered to determine the ſame in a ſummary Way.

XXIII. *AND be it further Enacted, by the Authority aforeſaid,* That all Fines and Forfeitures, the Method of Recovery of which is not otherwiſe directed by this Act, ſhall be recovered with Coſts, in any Court of Record in the County of *New-Hanover*, Reſpect being had to their Juriſdiction, by the Commiſſioners for the Time being, or the Majority of them, by Action of Debt, Bill, Plaint, or Information; wherein no Eſſoign, Injunction, or Wager of Law, ſhall be allowed or admitted of. And all Fines and Forfeitures mentioned in this Act, not exceeding Two Pounds, Proclamation Money, ſhall be recovered by a Warrant under the Hands

A. D. 1756. Hands and Seals of the Commiſſioners, or the Majority of them, directed to the Conſtables of the Town, or either of them, againſt Body or Goods, as in Actions of Debt, and in all Things ſubject to the ſame Rules; all which Fines or Forfeitures, recovered in any of the before-mentioned Ways, ſhall be applied and paid into the Stock of the ſaid Town.

XXIV. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners and the Inhabitants, ſhall have free Liberty to hold all their Public Meetings, on all Occaſions, in the Court-houſe, and have the Liberty of a Key to the ſame.

XXV. AND for the better aſcertaining the Method of chuſing ſuch Commiſſioners, and the Qualifications neceſſary for ſuch Commiſſioners; *Be it Enacted, by the Authority aforeſaid*, That any Perſon who, on the Day of Election, and for Three Months next before, was ſeized, in Fee-ſimple, or for Term of Life, of a Brick, Stone, or framed Houſe, with one or more Brick or Stone Chimnies, of the Dimenſions of Twenty Feet long and Sixteen Feet wide, within the Bounds of the ſaid Town, ſhall have a Right to vote for ſuch Commiſſioners, and be ſufficiently qualified to be Commiſſioners for the ſaid Town; and that the Number of Five, ſuch as are qualified as aforeſaid, ſhall, annually, on the Firſt *Tueſday* in *January*, be choſen Commiſſioners for the ſaid Town; and Two Perſons ſhall be choſen by the Majority of the Freeholders preſent, as Inſpectors of the Poll, and attend and declare who are duly elected Commiſſioners by Virtue of this Act; and upon the ſaid Five Commiſſioners being elected, and their Names properly entered in the Town Book, they ſhall, before they enter upon their Office, take the following Oath before any Juſtice of the Peace for the County of *New-Hanover*; that is to ſay,

I A. B. *do ſwear, That I will execute the Office of a Commiſſioner for the Town of* Wilmington, *faithfully and truly, without Favour or Prejudice; and in all Things act for the Good of the ſaid Town, and the well governing thereof, to the beſt of my Skill and Judgment, according to Law.* So help me God.

XXVI. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe of Refuſal, Removal, or Death, of any of the Commiſſioners, either before or after their being qualified as aforeſaid, the other Commiſſioners, or the Majority of them, ſhall chuſe another in the Room of him or them ſo dying, refuſing, or removing as aforeſaid, who ſhall be qualified in Manner as before directed.

XXVII. *AND be it further Enacted, by the Authority aforeſaid*, That *Cornelius Harnett*, *Frederick Gregg*, *Daniel Dunbibben*, *Arthur Mabſon*, and *Thomas Finney*, are hereby appointed Commiſſioners of the ſaid Town, and ſhall be and continue in Office until the Firſt *Tueſday* in *January* next; and they, or a Majority of them, ſhall have the ſame Power and Authority as the Commiſſioners to be choſen by this Act ſhall or may have, and be ſubject to the ſame Penalties.

XXVIII. *AND be it further Enacted, by the Authority aforeſaid*, That if at any Time any Tavern-keeper, Ordinary-keeper, Retailor of Liquors, or Keepers of Public

Public Houſes in the ſaid Town, ſhall ſuffer any Perſon or Perſons whatſoever, to ſit tippling or drinking in his or her Houſe in Time of Divine Service, on the Sabbath Day, or ſhall ſuffer any Perſon or Perſons to get drunk in his or her Houſe, on the Sabbath Day; ſuch Perſon or Perſons ſo offending, ſhall forfeit and pay Twenty Shillings, Proclamation Money, for every ſuch Offence; to be recovered by a Warrant under the Hand and Seal of any Juſtice of the Peace for the County of *New-Hanover*, and be paid into the Public Stock of the ſaid Town. *A. D.* 1756.

XXIX. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever in the ſaid Town, ſhall, on any Pretence whatever, give any Credit, Loan, or Truſt to any Mariner or Seaman belonging to, or under the Command of any Maſter of a Veſſel that now is, or ſhall at any Time hereafter be lying in the River of *Cape-Fear*, exceeding the Sum of Two Shillings and Eight Pence, Proclamation Money, except by the Leave or Licenſe of the Maſter or Commander of the Veſſel he belongs to, or where ſuch Sailor or Mariner ſhall have left the Veſſel, to apply to either of the Courts of Juſtice, in any Diſputes or Controverſies with the Captain or Commander of ſuch Veſſel; that then and in ſuch Caſe, he, ſhe, or they, ſhall, for every ſuch Default, looſe all the Monies or Goods ſo truſted or credited.

XXX. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever in the ſaid Town, ſhall willingly or willfully entertain, harbour or keep, or ſuffer to be entertained, harboured or kept, directly or indirectly, any Seamen belonging to any Veſſel as aforeſaid, in his, her, or their Houſe or Houſes, exceeding the Space of Six Hours, without the Privity or Conſent of his Commander, (except in the Caſe before excepted) he, ſhe or they, ſo offending, ſhall forfeit the Sum of Twenty-five Shillings, Proclamation Money, for every ſuch Offence; to be recovered by Warrant under the Hand and Seal of any Juſtice of the Peace for the County of *New-Hanover*, and paid into the Public Stock or Fund of the ſaid Town.

CHAP. XIV.

An Act, for eſtabliſhing the Titles of the Freeholders in Edenton; *for laying a Tax for finiſhing the Church begun in the ſaid Town, and for the further Improvement and better Regulation thereof.*

I. WHEREAS purſuant to ſeveral Acts of Aſſembly of this Province heretofore paſſed, Four Hundred and Twenty Acres of Land, lying in the Fork of Queen *Anne*'s Creek, in *Chowan* County, bounded *Eaſtward* by the Lands of *Miles Gale*; *Northward*, by the Lands of *William Badham* and *George Liſles*; on the *Weſtward*, by the *Beaver-Dam* and Creek; and on the *Southward*, by the *Sound*, was purchaſed by the Public, and laid out for a Town, called *Edenton*; and Part thereof divided into Lots of half Acres, as will more fully appear by the Plan thereof already drawn, with convenient Streets and Paſſages, a Place for a Church, Governor's Houſe, Court-houſe, Burying-Place, Market-Place, Council-Room, and other Purpoſes; and by the ſaid Acts, veſted in Fee, in Commiſſioners or Truſtees, Private.

A. D. 1756. to diſpoſe thereof according to the Direction of the ſaid ſeveral Acts; and the Commiſſioners or Truſtees of the ſaid Town, have conveyed Lots, or half Acres of Land, to ſeveral Perſons, who have built thereon: And whereas ſeveral of the ſaid Acts have been ſince repealed or expired, whereby many Miſchiefs may ariſe, and the Improvement of the ſaid Town much retarded, and the Titles to Lots in the ſame drawn into Diſpute: For Remedy whereof,

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid Commiſſioners or Truſtees heretofore appointed, are hereby declared to have had a good, abſolute, and indefeaſible Eſtate, in Fee, in the ſaid Four Hundred and Twenty Acres of Land, in Truſt and Confidence, to and for the Uſes by the ſaid ſeveral Acts intended; and *Thomas Barker*, *John Craven*, *Joſeph Blount*, *Charles Blount*, and *James Luten*, Gentlemen, the preſent Commiſſioners, are hereby declared to have a good, abſolute, and indefeaſible Eſtate, in Fee, in all ſuch Lots in the ſaid Town as have not been already diſpoſed of by former Commiſſioners or Truſtees, or have lapſed for Want of complying with the Conditions of the Deeds by which the ſame have been granted; and the ſaid Commiſſioners ſhall hold the ſame in Truſt, and to the Uſes herein after mentioned, and for no other Uſe or Purpoſe whatſoever; and the ſaid Lots are hereby confirmed to them, and their Succeſſors, for ſuch Uſes; any Law, Statute or Uſage to the contrary, and the Repealing, Expiring, or Suſpenſion of any Law, notwithſtanding.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid *Thomas Barker*, the preſent Treaſurer of the ſaid Town, and his Succeſſors in Office, ſhall receive all Monies ariſing by Virtue of this Act, to be applied as herein after directed; and on his Death, or Removal out of the County of *Chowan*, the next eldeſt Commiſſioner ſhall ſucceed him in the ſaid Office, firſt giving Security to the Juſtices of *Chowan* County, in the Sum of One Hundred Pounds, for the juſt Performance of the ſaid Truſt; and at all Times hereafter, in Caſe of the Death or Removal out of this Province of either, or any of the Commiſſioners of the aforeſaid Town of *Edenton*, it ſhall and may be lawful for the Survivors, or a Majority of them, to elect and chuſe, out of the Freeholders of the ſaid Town, another Commiſſioner, or other Commiſſioners, in the Room and Stead of him or them ſo dying or removing.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That all Deeds heretofore made by the Commiſſioners for any Lots of Land in the ſaid Town, the Conditions of which have been fulfilled and complied with, ſhall, and are hereby declared to be good and valid in Law, and ſhall convey the Fee-ſimple thereof to the Grantees, their Heirs and Aſſigns, for ever.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town, or any Three of them, ſhall, and are hereby impowered and required, on Application, to grant and convey, in Fee-ſimple, any of the Lots of the ſaid Town, containing each half an Acre, or thereabout, not before granted, or which have lapſed, or ſhall lapſe, by the Grantees, or thoſe who hold or claim under them, not having complied with the Condition of the Deeds by which

which the ſame were or ſhall be granted, for which the Grantees ſhall pay Ten Shillings, Proclamation Money, for each Lot, if not a Water-Lot, and Five Shillings for each Water-Lot; and all Deeds made for conveying ſuch Lots in the ſaid Town as are not Water-Lots, ſhall be on Condition, That if the Grantees, their Heirs or Aſſigns, ſhall not, within Two Years from the Date of each reſpective Deed, erect and build for each Lot thereby granted, a good ſubſtantial Brick, Stone, or framed habitable Houſe, not of leſs Dimenſions than Twenty Feet long, Fifteen Feet wide, and Eight Feet high between the firſt Floor and the Joiſts, or make ſuch other Improvements as by the Majority of the Commiſſioners ſhall be deemed equivalent, ſuch Deed ſhall be void; and all Deeds to be made for conveying Water-Lots, ſhall be on Condition, That if the Grantees, their Heirs and Aſſigns, ſhall not, within Two Years from the Date of each reſpective Deed, ſecure the Front Street Fifty Feet from the Water's Encroachment, or build a Wharf to the Edge of the Channel, ſuch Deed ſhall be void. *A. D.* 1756

VI. *AND be it further Enacted, by the Authority aforeſaid*, That in all Caſes where Deeds have been, or hereafter ſhall be made by the Commiſſioners of the ſaid Town, or a Majority of them, for any Lot or Lots, and the Grantees, or thoſe who hold under them, have not, or ſhall not comply with, and fulfil the Conditions of the ſame, the Commiſſioners may, and are hereby impowered to grant ſuch Lot or Lots to any Perſon or Perſons applying for the ſame, in ſuch Manner as they might or could, if ſuch Lot or Lots had never been before granted.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That ſuch Perſons as are Owners of Lots in the ſaid Town facing or fronting any Water Lots, ſhall have the Preference in taking up ſuch Water Lots, and no others ſhall be admitted to have Deeds from the Commiſſioners for the ſame, till after Six Months Notice given to the Owners of ſuch Lots ſo facing or fronting the Water Lots as aforeſaid, and their neglecting in that Time to apply for Deeds for them.

VIII. AND whereas his Excellency the Governor, and the other Public Officers of Government, do not at preſent reſide or keep their Offices in *Edenton*, whereby Eight Acres of Land, or thereabout, in the ſaid Town, heretofore appropriated to the Uſe of the Governor or Commander in Chief for the Time being, are not applied to any Uſe or Purpoſe whatſoever, but would greatly contribute to the better Settlement of the Town, were the Comiſſioners inveſted with Power to diſpoſe of the ſame; and of late Years the Lands in ſome Parts of the ſaid Town, adjacent to the Water, has increaſed, but not being within the Plan thereof cannot be diſpoſed of to ſuch as are deſirous to purchaſe the ſame: *Be it therefore Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, it ſhall and may be lawful for the Commiſſioners of *Edenton*, or a Majority of them, to cauſe the ſaid Eight Acres of Land, more or leſs, heretofore appropriated as aforeſaid, to be laid out in ſuch Lots as they ſhall think moſt convenient, and cauſe a Plan thereof to be made, and therein inſert Marks and Numbers to the Lots in the ſame contained; which Lots ſo laid out, ſhall be by the Commiſſioners, or a Majority of them, on the Third Day of the next Supreme Court to be held at *Edenton*, ſold in ſeparate Lots, at Public Auction; and the ſaid Commiſſioners ſhall make and execute Deeds for the granting

A. D. 1756. granting and conveying the ſame, to the Purchaſer or Purchaſers, and to his or their Heirs or Aſſigns for ever, without any Condition or Reſervation whatſoever; and the Money ariſing by ſuch Sale, ſhall be applied as herein directed, and the Deeds which ſhall be ſo executed, ſhall, and are hereby declared to be good and valid in Law, and ſhall, effectually, convey the Fee-ſimple of the Lots in the ſame mentioned, to the Grantees, their Heirs and Aſſigns for ever; any Law or Statute to the contrary, notwithſtanding.

IX. *AND be it further Enacted, by the Authority aforeſaid,* That the Commiſ- miſſioners, or a Majority of them, ſhall, and they are hereby directed to cauſe ſuch Land adjacent to the Water, as has increaſed, and is not contained within the preſent Plan of the ſaid Town, to be laid out in ſuch Lots as they ſhall think moſt ſuitable and convenient, and cauſe a Plan of ſuch Lots to be made, with Marks and Numbers to the ſame inſerted, and ſhall, on Application, by Deeds of Conveyance, grant and convey the ſame in ſuch Manner, and under the like Conditions as is herein before directed in the granting of ſuch vacant Lots as are contained in the preſent Plan of the ſaid Town, and have not been heretofore appropriated to the Uſe of the Governor or Commander in Chief, as is before recited; and all Deeds which ſhall be executed for the ſame, ſhall, and are hereby declared to be good and valid in Law, and ſhall, effectually, convey the Fee-Simple thereof to the Grantees, their Heirs and Aſſigns for ever, on complying with and fulfilling the Conditions to be expreſſed in the ſame Deeds; and all Lots to be granted in Virtue of this Act, ſhall be deemed and reputed to be within the Bounds of the ſaid Town; and the Owners thereof ſhall, at all Times, be ſubject to the ſame Duties, Taxations and Impoſitions, and entitled to the ſame Rights and Privileges, as the Owners of Lots already granted.

X. AND to prevent Diſputes in Reſpect to Grantees of any Lots, or thoſe who claim under ſuch Grantees, having complied with the Conditions in the Deeds by which the ſame have been, or ſhall be granted; *Be it Enacted, by the Authority aforeſaid,* That in all Caſes where a Certificate ſhall be had from the Commiſſioners, or a Majority of them, or Oath ſhall be made in the County Court of *Chowan*, by one credible Witneſs, that any Lot or Lots hath or have been ſaved according to the Conditions of the Deed or Deeds by which the ſame is, are, or ſhall be granted, ſuch Certificate, or a Copy of the Record of ſuch Oath, ſhall, in all Courts of Law or Equity, be deemed and held to be legal Evidence, that the Conditions of ſuch Deed or Deeds have been fulfilled and complied with.

XI. *AND be it further Enacted, by the Authority aforeſaid,* That the ſeveral Parts within the preſent Plan of the ſaid Town, laid out for Streets, Paſſages, the Church, Council-Room, Burying-Place, Market-Place, Court-Houſe, Priſon and Common, be reſerved for thoſe Uſes, and no other.

XII. *AND be it further Enacted, by the Authority aforeſaid,* That the Commiſ- ſioners, or a Majority of them, may, and they are hereby impowered, annually, on the Second *Tueſday* in *January*, to lay a Tax on each Male Taxable in the ſaid Town, not exceeding One Shilling and Six-pence, Proclamation Money; to be applied towards the Expence of building and repairing Public Wharfs, a Market-Houſe,

Houſe, or to defray other Public Charges in the ſaid Town; which Tax ſhall be collected by ſuch Perſon as they ſhall appoint, who ſhall demand the ſame; and in Caſe of Refuſal or Neglect after ſuch Demand, levy the ſame by Diſtreſs and Sale of the Goods of the Perſon or Perſons ſo refuſing or neglecting, and ſhall account for the ſame to the Commiſſioners, on Oath.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That each and every Perſon or Perſons poſſeſſed, or who ſhall be hereafter poſſeſſed of any Lot or Lots in the ſaid Town, not yet cleared, ſhall, within the Space of Six Months after the Paſſing of this Act, where they are at preſent in Poſſeſſion, and within Six Months after the Date of their Deeds, for any Lots hereafter to be granted, cut down all Bruſh thereon growing, and once in each Year do the ſame, under the Penalty of Five Shillings, Proclamation Money, for each Neglect; to be recovered and applied as is herein after directed.

XIV. AND to prevent Annoyances and Nuſances; *Be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall throw out, or lay in any Public Street, or upon any Public Place in the ſaid Town, any Dirt, Rubbiſh, Duſt or Mortar, except ſuch as are building or repairing Houſes, every Perſon ſo offending, ſhall forfeit, to the Commiſſioners of the ſaid Town, for every Offence, Ten Shillings Proclamation Money, to be recovered and applied as is herein after directed; and if any ſuch Offence is committed by any Servant or Slave, ſuch Servant or Slave ſhall be puniſhed by whipping, not exceeding Thirty Laſhes, by Direction of Two Juſtices of the Peace, provided the Maſter or Miſtreſs refuſes to pay the ſaid Fine.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That as often as the Overſeer of the Roads or Streets in the ſaid Town ſhall ſummon the Male Taxables thereof to clear the ſaid Roads, Streets, and Public Places, of all Woods, Weeds, Rubbiſh, or other Nuſances, or to repair or mend the Streets or Bridges in the ſame, any Perſon refuſing to obſerve the Overſeer's Direction, except ſuch as by Law are exempted from working on Public Roads in any County, he ſhall forfeit and pay, for every Offence, the Sum of Ten Shillings, Proclamation Money; to be recovered and applied as is herein after directed.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town, ſhall, within Six Months after the Paſſing of this Act, lay out, or cauſe to be laid out, the Streets and Paſſages of the ſame, and cauſe good Poſts to be ſet up to aſcertain the Bounds thereof.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town, or a Majority of them, may, and are hereby impowered, within one Year after the Paſſing of this Act, to lay a Tax on each and every Perſon holding any Lot or Lots in the ſame, according to the Number of his or her Lots, not exceeding Five Shillings for each Lot, to be applied towards fencing or ditching in the ſaid Town; and in Caſe any Perſon ſhall neglect or refuſe to pay the ſame, he or ſhe ſhall pay Two Shillings and Six Pence, over and above the ſaid Tax, for each Lot he or ſhe ſhall hold, to be recovered and applied as is herein after directed.

A. D. 1756. XVIII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon, after the ſaid Town ſhall be fenced or ditched in, ſhall voluntarily pull down, or deſtroy any Part of the Town Fence or Ditch, ſuch Perſon ſhall forfeit and pay, for every Offence, Ten Pounds, Proclamation Money, to be recovered and applied as is herein after directed; and from and after that Time, it ſhall and may be lawful for any Perſon to take up and pound any Hogs, Shoats or Pigs, which ſhall be found ranging at large in the ſaid Town, ſo long as the Fence or Ditch ſhall be kept in good Repair; and the Hogs, Pigs or Shoats, ſo taken up, ſhall be ſold at Auction, and the Money ariſing thereby, given by the Commiſſioners to the Poor of the Town.

XIX. *AND be it further Enacted, by the Authority aforeſaid*, That all Fines and Forfeitures in this Act mentioned, not exceeding Twenty Shillings, Proclamation Money, ſhall be recovered by a Warrant under the Hands and Seals of the Commiſſioners of the ſaid Town, or a Majority of them; and all Fines and Forfeitures above Twenty Shillings, ſhall be recovered in any Court of Record, by Action of Debt, with Coſts, by the ſaid Commiſſioners.

XX. *AND be it further Enacted, by the Authority aforeſaid*, That all Fines and Forfeitures by this Act impoſed, and not otherwiſe appropriated, and all Monies which ſhall ariſe by the Sale of any Lots to be granted by the Commiſſioners of the ſaid Town, as is herein before directed, ſhall, and are hereby directed, after their reaſonable Charges and Expences are deducted, to be applied towards building and keeping in Repair, a Market-Houſe, and Public Wharfs, and towards buying one or more Water-Engines, Buckets, Ladders, and other Inſtruments, to be under the Care of the ſaid Commiſſioners, for the Safety and Preſervation of the ſaid Town, in Caſe of Accidents of Fire, and to ſuch other Uſes as the ſaid Commſſiioners ſhall think moſt for the Encouragement and Advancement thereof.

XXI. AND whereas the Church in the ſaid Town, partly built by the charitable Donations of religious and well diſpoſed Chriſtians, for Want of Money in the Hands of the Commiſſioners, remains unfiniſhed, and the preſent Veſtry of St. *Paul*'s Pariſh have neglected to lay a Tax for the finiſhing thereof; wherefore, that the pious Intentions of the Doners may not be fruſtrated in an Undertaking ſo well intended for the Encouragement of Religion, *Be it Enacted by the Authority aforeſaid*, That an annual Tax of Two Shillings, Proclamation Money, ſhall be, and is hereby laid on each Taxable Perſon in the Pariſh of St. *Paul*, in the County of *Chowan*, for Two Years next enſuing, and ſhall be collected by the Sheriff in the ſame Manner that Public Taxes are collected, and ſhall be accounted for and paid by him to the Commiſſioners of the ſaid Church, who ſhall, and are required and directed to apply the ſame towards finiſhing the ſaid Church in a decent and workmanlike Manner, and to call all former Commiſſioners, their Heirs, Executors, or Adminiſtrators, and others who have in their Hands any Money heretofore appropriated to that Uſe, to Account; and on their failing to account and pay the ſame, on Motion to the Supreme Court at *Edenton*, to obtain Judgment, and take out Execution againſt them for ſo much as there ſhall appear to be due from them, giving Ten Days previous Notice of ſuch Motion to the Party againſt whom the ſame ſhall be made.

XXII. *AND*

A. D. 1756.

XXII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners appointed for finiſhing the ſaid Church, ſhall, once in Two Years, account to the Juſtices of *Chowan* County Court, for all Money by the ſaid Commiſſioners already received, or hereafter to be received, either on Account of the Donations made, or Taxes laid for building and finiſhing the ſame, and for whatever Diſburſement they have heretofore made, or ſhall hereafter make; and in Caſe of their failing to account as aforeſaid, the ſaid Juſtices ſhall and may maintain an Action againſt them for the Money they ſhall have received, and recover the ſame with Coſts; and the Monies ſo recovered, ſhall be applied towards finiſhing the ſaid Church as is before directed.

CHAP. XV.

An Act, to limit the Time for holding County Courts, and other Purpoſes.

Provided for by the Inferior Crt. Act, paſſed *Nov.* 1762, Chap. II.

CHAP. XVI.

An Act, to amend and continue an Act, intituled, An Act, for granting to his Majeſty, a Duty upon the Tonnage of Ships and other Veſſels coming into this Province, for the Purpoſes therein mentioned.

Expired

Preamble.

I. WHEREAS by an Act, intituled, *An Act, for granting to his Majeſty a Duty upon the Tonnage of Ships and other Veſſels coming into this Province, for the Purpoſes therein mentioned*, the Method for aſcertaining the Tonnage of Veſſels is very deficient, and occaſions Diſputes between the Receivers of the Duty, and Maſters of Veſſels, and that it is neceſſary that Part of the Duty impoſed by the ſaid Act, be appropriated:

Receivers of PowderMoney to convene Maſters of Veſſels before them, in order to calculate the Tonnage.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Receiver of the Duty upon the Tonnage of Ships or Veſſels may be the better enabled to know the true Tonnage of every Ship or Veſſel coming into the Ports of this Province, ſhall, and hath hereby full Power to cauſe every Maſter of ſuch Ship or Veſſel to come before him, and on Oath declare, to the beſt of his Knowledge, the Length of the Keel, the Breadth by the Beam, and Depth of the Hold, which in double decked Ships or Veſſels, ſhall be from the upper Deck to the Bottom of the Hold of his Ship or Veſſel, whereby her Burthen may be truly calculated.

Maſter making Oath that he could not procure Powder, Receiver to take Money in Lieu.

III. *PROVIDED nevertheleſs*, That if any Maſter of a Veſſel who ſhall not have Powder and Lead at the Time of clearing out at the Cuſtom-Houſe, and ſhall make Oath, that he has not had it in his Power, in the Part from whence he came, or ſince he arrived in this Province, to procure Powder and Lead wherewith to pay the ſame; or that when he came from the laſt Port, he did not know that ſuch a Duty was payable by Law in this Province; in which Caſe the Powder-Receiver of the Port ſhall, and is hereby impowered to adminiſter the ſaid Oath, and in Lieu of Powder and Lead, to take and receive of ſuch Maſter, after the Rate of Two Shillings *per* Ton, in Proclamation Money; any Thing in this Act contained to

A. D. 1756. to the contrary, notwithſtanding; which Money ſo received, ſhall, by the Receiver, be laid out for Powder and Lead to the beſt Advantage.

Receiver's Allowance for Storage, and Caſks.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That the Receivers of the Duty impoſed in Virtue of the before recited Act, ſhall be allowed Two and an Half *per Cent.* for the Storage of all ſuch Powder and Lead, as they ſhall receive for the Duty impoſed on Veſſels coming into this Province, and ſhall alſo be allowed for all ſuch Caſks as they ſhall be obliged to provide for the ſafe keeping of the ſaid Powder and Lead ſo received.

V. *AND be it further Enacted, by the Authority aforeſaid,* That the aforeſaid Act, from and after the Time therein appointed for the Expiration thereof, and every Clauſe thereof, except ſuch as are hereby altered, ſhall continue and be in Force, for and during the Term or Space of Three Years, and from thence to the End of the next Seſſion of Aſſembly; and that this Act, from the Paſſing thereof, ſhall continue and be in Force for the ſame Space and Term.

CHAP. XVII.

An Act, for erecting a new Court-houſe, Priſon, Pillory, and Stocks, in Paſquotank *County, and other Purpoſes*

Private. I. WHEREAS by Experience it is found that the Situation of the Court-houſe in *Paſquotank* County is not central, and by Reaſon of a wide Ferry, often impaſſible, very inconvenient to the greateſt Part of the Inhabitants; which, together with the ruinous Condition of the Court-houſe, and the Want of a Priſon, lays the Inhabitants under great Hardſhips to continue the Court houſe at the Place where it now ſtands: For Remedy whereof,

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Court of the County of *Paſquotank*, ſhall have full Power and Authority, and are hereby required, within Eighteen Months after the Paſſing of this Act, to erect a Court-houſe, Priſon, Pillory and Stocks, for the Uſe of the County; and to agree with Workmen to build and finiſh the ſame, at *Relf*'s Ferry, on the Land of *Thomas Relf*, in the ſaid County.

III. *AND be it further Enacted, by the Authority aforeſaid,* That ſo ſoon as the ſaid Court-houſe, Priſon, Pillory and Stocks, ſhall be erected and finiſhed, the Juſtices of the ſaid County ſhall, and are hereby directed and required, to adjourn the ſaid Court, by their Order, from the Place where the ſame is now held at *Broomfield*, to the Court-houſe ſo to be erected and built on the Land of the ſaid *Thomas Relf*, by Virtue of this Act; and all Suits, Actions, Plaints, Pleas, and other Matters and Things before the ſaid Court then depending and undetermined, ſhall ſtand adjourned and continued accordingly; and all and every Perſon and Perſons having Day in the ſaid Court, and all Witneſſes ſhall be bound and obliged to appear at the ſame, according to ſuch Adjournment.

IV. *AND*

A. D. 1756.

IV. *AND be it further Enacted, by the Authority aforesaid*, That the said Court shall, and are hereby required, to lay and levy a Tax on the taxable Persons in their County, sufficient to satisfy and pay the Contract that the said Court shall make and enter into for erecting the said Buildings; which Tax shall be collected by the Sheriff of the said County, and by him accounted for as other Taxes are, for which he shall be allowed Five *per Cent.* for his Commissions.

V. *AND be it further Enacted, by the Authority aforesaid*, That all and every Act and Acts, Clause or Article heretofore made, for any Thing within the Purview of this Act, is, and are hereby repealed and made void.

CHAP. XVIII.

An Act, to impower the Sheriff of Granville, *and the Collector of the Taxes of St.* John's *Parish, to collect Public, County, and Parish Levies.*

This Act had its Effect.

CHAP. XIX.

An Act, for adjourning the County Court of Beaufort; *and other Purposes.* REP.

CHAP. XX.

An Act, for dividing the Parish of St. Patrick, *in the County of* Johnston, *into Two distinct Parishes.*

Private.

I. WHEREAS the Parish of St. *Patrick*, in the County of *Johnston*, is so extensive, that renders it almost impracticable for any Minister to serve the Cure thereof:

II. *BE it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That from and after the Passing of this Act, the said Parish of St. *Patrick* shall be divided as follows, *to wit*, Beginning at *Boykins*'s Ford, on *Great-Cotentney* Creek, and running a direct Line to the Mouth of *Mill-Creek*, on *Neuse* River, and from thence a straight Line to the Head of *Cohera*, near *Anthony Cocks*'s; and that all that Part of the said Parish of St. *Patrick*, as it now stands entire and undivided, which lies to the *Eastward* of the aforesaid Bounds, shall retain the Name of St. *Patrick*, and be one distinct Parish: And that all that Part of the said Parish which lies to the *Westward* of the said Bounds, shall be one other distinct Parish, and be called by the Name of St. *Stephen*, and be exempt from all Dependencies, Offices, Charges, and Contributions, for or in Respect of the said Parish of St. *Patrick*, and all other Parochial Duties whatsoever relating to the same; and shall and may, from Time to Time, have, hold, and exercise, the like Authorities and Powers, and possess and enjoy the same Immunities and Privileges, as other Parishes in this Province.

A. D. 1756.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Veſtry of the aforeſaid Pariſh of St. *Patrick*, as it now is undivided and entire, ſhall from henceforth be, and is hereby diſſolved and made void to all Intents and Purpoſes. *Provided neverthelefs*, That all Acts of the ſaid Veſtry heretofore legally made and done, are hereby declared to be as good and valid, as if this Act had never been made.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the Freeholders of the ſaid Pariſh of St. *Patrick*, as the ſame ſhall ſtand divided from the aforeſaid Pariſh of St. *Stephen*, ſhall, and are hereby impowered and required, to meet at the Court-houſe of the ſaid County of *Johnſton*, on the Third *Tueſday* in *November* next; then and there to chuſe and elect Twelve Freeholders of the ſaid Pariſh, to ſerve as Veſtrymen of the ſame. And the Freeholders of the ſaid Pariſh of St. *Stephen*, ſhall, and they are hereby impowered and required, to meet at the Houſe of Mr. *Samuel Smith*, on *Neuſe* River, in the ſaid Pariſh, on the Fourth *Tueſday* in *November* next; then and there to elect and chuſe Twelve Freeholders of the ſaid Pariſh, to ſerve as Veſtrymen of the ſaid Pariſh: Which Elections ſhall be made by the Sheriff of the ſaid County of *Johnſton*, under the like Rules and Reſtrictions, Pains and Penalties, as well in Reſpect to the ſaid Sheriff, as the Freeholders of the ſaid Pariſhes, as other Elections of Veſtries in this Province are by Law appointed to be made. And the ſaid Freeholders ſo elected for the ſaid Pariſhes, reſpectively, within Forty Days after being elected, ſhall, before a Magiſtrate of the ſaid County of *Johnſton*, take the Oaths by Law appointed to be taken for the Qualification of Public Officers, and repeat and ſubſcribe the Declaration directed to be made by the Act of Aſſembly, intituled, *An Act, for appointing Pariſhes and Veſtries, for the Encouragement of an Orthodox Clergy, for the Advancement of the Proteſtant Religion, and for the Direction of the Settlement of Pariſh Accounts*; and alſo repeat and ſubſcribe the Teſt, and ſhall be, and are hereby declared, from thenceforth, to be the Veſtries of the ſaid Pariſhes, reſpectively, until the uſual Time of electing Veſtries in other Pariſhes; and ſhall and may, and are hereby required, to exerciſe and uſe the ſame Powers and Authorities, as other Veſtries in this Province may, can, or ought to exerciſe; and ſhall be liable to the ſame Penalties and Forfeitures as other Veſtries, or Perſons elected Veſtrymen are in any Manner ſubject to. And the Veſtrymen of the ſaid Pariſhes reſpectively, or the Majority of them, when qualified as aforeſaid, ſhall chuſe Churchwardens for the ſaid Pariſhes, who ſhall continue in Office until the uſual Time of electing Churchwardens in the enſuing Year, at which Time the ſaid Veſtries ſhall again chuſe Churchwardens.

V. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Act and Acts, and every Clauſe and Article therein, heretofore made, as far as relates to any Matter or Thing within the Purview of this Act, is, and are hereby from henceforth repealed and made void.

CHAP. XXI.

This Act had its Effect.

An Act, for laying a Tax on the Inhabitants of the Pariſhes of St. Patrick *and St.* Stephen.

CHAP.

A. D. 1756.

CHAP. XXII.

An Act, to re-eſtabliſh the Counties of Rowan, Cumberland, *and* Orange.

Private. I. WHEREAS an Act for erecting the upper Part of *Anſon* County into a County and Pariſh, by the Name of *Rowan* County, and St. *Luke*'s Pariſh, and for appointing a Place for holding a Court in the ſaid County; an Act, intituled, *An Act, for erecting the upper Part of* Bladen *County into a County and Pariſh, by the Name of* Cumberland *County, and St.* David's *Pariſh*; and an *Act, for dividing Part of* Granville, Johnſton, *and* Bladen *Counties, into a County and Pariſh, by the Name of* Orange *County, and the Pariſh of St.* Matthew, *and for appointing Veſtrymen for the ſaid Pariſh, and other Purpoſes therein mentioned*, have been repealed by an Act, intituled, *An Act, for re-eſtabliſhing ſeveral Counties and Towns, and for other Purpoſes*: And whereas his Majeſty has been graciouſly pleaſed, by his Royal Inſtructions, to authorize his Excellency the Governor to give his Aſſent to an Act to re-eſtabliſh the Counties aforeſaid:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſeveral Diviſions or Diſtricts of this Province, which have heretofore belonged to the reſpective Counties aforeſaid, before the Repeal of the before recited Acts of Aſſembly, ſhall, and are hereby declared to be re-eſtabliſhed into Counties, by the reſpective Names by which each County or Diſtrict, at the Time of the repealing the aforeſaid Acts was known and denominated; and each of the ſaid Counties ſhall be limited and bounded according to the Bounds and Limits heretofore known and reputed to be the Bounds and Limits thereof.

III. *AND be it further Enacted*, That all Deeds and Conveyances for the conveying of any Lands, Lots or Tenements, in either of the ſaid Counties, to any Perſon or Perſons whatſoever, either to the Uſe of the Public, or to their own Uſe, in Conſequence of the ſaid Acts of Aſſembly ſo repealed as aforeſaid, ſhall, and are hereby declared to be good and valid in Law, and ſhall enure and take Effect as fully, to the Benefit of the Grantees, their Heirs and Aſſigns, and all other Perſons concerned, as if the ſame had never been repealed.

IV. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed or taken, to alter or derogate from the Rights and Royal Prerogative of his Majeſty, his Heirs or Succeſſors, of granting Letters of Incorporation to the ſaid Counties; and of ordering, appointing, and directing the Election of a Member or Members to repreſent them in Aſſembly, and of granting Markets and Fairs to be kept and held in them reſpectively; but that the ſaid Right and Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his ſaid Majeſty, his Heirs or Succeſſors, in as full and ample Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made.

CHAP.

A. D. 1756.

CHAP. XXIII.

An Act, for conſolidating the Pariſhes of St. John *and St.* Peter, *in the County of* Paſquotank.

Private. I. WHEREAS the Pariſhes of St. *John* and St. *Peter*, in the County of *Paſquotank*, by Reaſon of the ſmall Number of Taxables in them, are not able to ſupport Clergymen to ſerve the reſpective Cures thereof:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the aforeſaid Pariſhes of St. *John* and St. *Peter*, ſhall be, and are hereby united and conſolidated, and from and after the paſſing of this Act, ſhall be united and conſolidated and remain one entire Pariſh, and be called and known by the Name of the Pariſh of St. *John*; and ſhall and may, from Time to Time, have, hold, and exerciſe, the like Authorities and Powers, and poſſeſs and enjoy the ſame Immunities and Privileges, as any other Pariſh in this Province. And the Freeholders of the ſaid Pariſh of St. *John*, ſhall, and are hereby required, to meet at the Court-houſe of the aforeſaid County of *Paſquotank*, on the Firſt *Tueſday* in *December* next; then and there to elect and chuſe Twelve Freeholders of the ſaid Pariſh, to ſerve as Veſtrymen thereof; which Election ſhall be made by the Sheriff of the ſaid County of *Paſquotank*, under the like Rules and Reſtrictions, Pains and Penalties, as well in Reſpect to the ſaid Sheriff, as the Freeholders of the ſaid Pariſh, as other Elections of Veſtries in this Province are by Law appointed to be made. And the ſaid Freeholders ſo elected for the ſaid Pariſh, within Forty Days after being elected, ſhall, before a Magiſtrate of the ſaid County of *Paſquotank*, take the Oaths by Law appointed to be taken for the Qualification of Public Officers, and repeat and ſubſcribe the Declaration directed to be made by an Act of Aſſembly, intituled, *An Act, for appointing Pariſhes and Veſtries, for the Encouragement of an Orthodox Clergy, for the Advancement of the Proteſtant Religion, and for the Direction of the Settlement of Pariſh Accounts*; and alſo repeat and ſubſcribe the Teſt, and ſhall be, and are hereby declared from thenceforth to be the Veſtry of the ſaid Pariſh, until the uſual Time of electing Veſtrymen in other Pariſhes; and ſhall and may, and are hereby required, to exerciſe and uſe the ſame Powers and Authorities, as any other Veſtry in this Province may, can, or ought to exerciſe; and ſhall be liable to the ſame Penalties and Forfeitures as other Veſtries, or Perſons elected Veſtrymen are, in any Manner, ſubject to. And the Veſtrymen of the ſaid Pariſh, or the Majority of them, when qualified as aforeſaid, ſhall chuſe Churchwardens for the ſaid Pariſh, who ſhall continue in Office until the uſual Time of electing Churchwardens in the enſuing Year, at which Time the ſaid Veſtry ſhall again chuſe Churchwardens.

III. *AND be it further Enacted, by the Authority aforeſaid*, That all and every other Act and Acts, Clauſe and Clauſes thereof, heretofore made, for ſo much thereof as relates to any Matter or Thing within the Purview of this Act, is, and are hereby from henceforth repealed and made void to all Intents and Purpoſes.

CHAP.

A. D. 1756.

CHAP. XXIV.

An Act, for dividing the Pariſh of Edgcomb, *in the County of* Edgcomb, *into Two diſtinct Pariſhes.*

I. WHEREAS the Pariſh of *Edgcomb*, in the County of *Edgcomb*, is of ſuch large Extent, that no Miniſter will ſerve the Cure thereof;

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the Paſſing of this Act, the ſaid Pariſh of *Edgcomb* ſhall be divided as follows, *to wit*, Beginning at *Cuncta* Creek, where the Line of the ſaid Pariſh croſſes the ſame, and up the ſaid Creek, as it meanders, to the Head thereof, and from thence a ſtraight Courſe to *Fiſhing* Creek, at or near *Michael Dorman*'s; and up the ſaid Creek to the Line which divides the ſaid Pariſh of *Edgcomb* from the Pariſh of St. *John*; and that all that Part of the ſaid Pariſh of *Edgcomb*, as it now ſtands entire and undivided, which lies to the *Northward* of the aforeſaid Bounds, ſhall retain the Name of *Edgcomb*, and be one diſtinct Pariſh; and that all that Part of the ſaid Pariſh, which lies to the *Southward* of the ſaid Bounds, ſhall be one diſtinct Pariſh, and be called by the Name of St. *Mary*, and be exempt from all Dependencies, Offices, Charges, or Contributions, for or in Reſpect of the ſaid Pariſh of *Edgcomb*, and all other Parochial Duties whatſoever, relating to the ſame; and ſhall and may, from Time to Time, have, hold, and exerciſe, the like Authorities and Powers, and poſſeſs and enjoy the ſame Immunities and Privileges, as other Pariſhes in this Province. Private.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Veſtry of the aforeſaid Pariſh of *Edgcomb*, as it now is entire and undivided, ſhall from henceforth be, and is hereby diſſolved and made void to all Intents and Purpoſes: And the Freeholders of the ſaid Pariſh of *Edgcomb*, as the ſame ſhall ſtand divided from the aforeſaid Pariſh of St. *Mary*, ſhall, and are hereby impowered and required to meet at the Court-houſe of the ſaid County of *Edgcomb*, on the Fourth *Tueſday* in *November* next, then and there to elect and chuſe Twelve Freeholders of the ſaid Pariſh to ſerve as Veſtrymen of the ſame. And the Freeholders of the ſaid Pariſh of St. *Mary*, ſhall, and they are hereby impowered and required, to meet at the Chappel on *Tar* River, near *Elias Fort*'s, in the ſaid Pariſh, on the Second *Tueſday* in *December* next, then and there to elect and chuſe Twelve Freeholders of the ſaid Pariſh, to ſerve as Veſtrymen for the ſaid Pariſh; which Elections ſhall be made by the Sheriff of the ſaid County of *Edgcomb*, under the like Rules and Reſtrictions, Pains and Penalties, as well in Reſpect to the ſaid Sheriff, as the Freeholders of the ſaid Pariſhes, as other Elections of Veſtries in this Province are by Law appointed to be made. And the ſaid Freeholders ſo elected for the ſaid Pariſhes, reſpectively, within Forty Days after being elected, ſhall, before a Magiſtrate of the ſaid County of *Edgcomb*, take the Oaths by Law appointed to be taken for the Qualification of Public Officers, and repeat and ſubſcribe the Declaration directed to be made by the Act of Aſſembly, intituled, *An Act, for appointing Pariſhes and Veſtries, for the Encouragement of an Orthodox Clergy, for the Advancement of the Proteſtant Religion, and for the Direction of the Settlement of Pariſh Accounts*; and alſo repeat

A. D. 1766. and ſubſcribe the Teſt, and ſhall be, and are hereby declared, from thenceforth, to be the Veſtries of the ſaid Pariſhes, reſpectively, until the uſual Time of electing Veſtrymen in other Pariſhes; and ſhall and may, and are hereby required, to exerciſe and uſe the ſame Powers and Authorities, as other Veſtries in this Province may, can, or ought to exerciſe; and ſhall be liable to the ſame Penalties and Forfeitures as other Veſtries, or Perſons elected Veſtrymen are, in any Manner, ſubject to. And the Veſtrymen of the ſaid Pariſhes, reſpectively, or the Majority of them, when qualified as aforeſaid, ſhall chuſe Churchwardens for the ſaid Pariſhes, who ſhall continue in Office until the uſual Time of electing Churchwardens in the enſuing Year, at which Time the ſaid Veſtries ſhall again chuſe other Churchwardens.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Veſtries, reſpectively, ſhall, and are hereby required to lay a Tax on the Taxable Perſons in their reſpective Pariſhes, ſufficient to defray the contingent Charges of them for the preſent Year; which Taxes ſhall be collected, accounted for, and paid in the ſame Manner as other Pariſh Taxes; any Law to the contrary notwithſtanding.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Veſtry of the ſaid Pariſh of St. *Mary*, ſhall and may take, receive and keep, to the Uſe of the ſaid Pariſh, all ſuch Sum or Sums of Money, as have been collected of the Taxes impoſed and laid by the preſent Veſtry of the Pariſh of *Edgcomb*, and ſhall ſtand chargeable to the ſeveral Creditors of the ſame, for all Debts, Dues and Demands now owing from the ſaid Pariſh; except ſuch Deeds as were owing from the ſaid Pariſh of *Edgcomb*, at the Commencement of the preſent Veſtry of the ſaid Pariſh; which ſaid Debts ſhall be paid by the ſaid Pariſhes of *Edgcomb* and St. *Mary*, in Proportion to the Number of Taxables in them, reſpectively, at the Time of paſſing this Act.

VI. AND whereas there is a conſiderable Sum of Money due to the ſaid Pariſh of *Edgcomb*, from *John Pope*, late Sheriff of *Edgcomb* County, and others, which ought to be equally divided amongſt the Inhabitants of the aforeſaid Pariſhes of *Edgcomb*, and St. *Mary*, after the aforeſaid Diviſion takes Place; *Be it therefore Enacted, by the Authority aforeſaid*, That the ſaid *John Pope* ſhall account for all Money by him owing to the ſaid Pariſh of *Edgcomb*, and pay the ſame to the Honourable *John Dawſon*, Eſquire, and *Robert Jones*, Eſquire, within one Month after the Paſſing of this Act, who are hereby impowered, authoriſed and required, to demand, take, and receive the ſame; and in Caſe the ſaid *John Pope*, or the Perſon or Perſons in Arrear as aforeſaid, ſhall neglect or refuſe to pay the ſame, according to the Directions of this Act, it ſhall and may be lawful for the Supreme Court holden at *Enfield*, upon Motion of the ſaid *John Dawſon* and *Robert Jones*, to grant Judgment againſt the ſaid *John Pope*, or other Perſon or Perſons, for all ſuch Sums of Money as he or they have, or ought to have received as Collector of the ſaid Pariſh of *Edgcomb*, and to award Execution thereupon.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid *John Dawſon* and *Robert Jones*, after they ſhall have received from the ſaid *John Pope*,

Pope, or any other Perſon or Perſons, the Money aforeſaid, ſhall, and are hereby required, to pay and ſatisfy the ſame to the reſpective Veſtries of the ſaid Pariſhes of *Edgcomb* and St. *Mary*, in Proportion to the Number of Taxable Perſons in the ſaid Pariſhes, after deducting Five *per Cent.* for their Trouble in receiving and paying the ſame, and ſuch Charges and Expences as they ſhall be at in recovering the ſaid Money. *A D.* 1756.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.

MATTHEW ROWAN, Preſident.

SAMUEL SWANN, Speaker.

A. D. 1757.

ANNO REGNI GEORGII II, Regis, *Magnæ Britanniæ, Franciæ, & Hiberniæ,* Triceſſimo.

ARTH. DOBBS, Eſq; Governor.

At a General ASSEMBLY, begun and held at *Newbern*, on the Twelfth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-four, and from thence continued, by ſeveral Prorogations, to the Sixteenth Day of *May*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-ſeven: Being the Fourth Seſſion of this Aſſembly.

CHAP. I.

This Act had its Effect.

An Act, for granting a further Aid to his Majeſty, for the Aſſiſtance of South-Carolina, *and the Defence of the Frontiers of this Province; and other Purpoſes.*

CHAP. II.

Expired

Act Act, to revive an Act, for facilitating the Navigation of Port Bath, *Port* Roanoke, *and Port* Beaufort.

Preamble.

I. WHEREAS an Act of Aſſembly, intituled, *An Act, for facilitating the Navigation of Port* Bath, *Port* Roanoke, *and Port* Beaufort, paſſed at an Aſſembly held at *Bath* Town the Thirty-firſt Day of *March*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-two, was made to continue no longer than until the Concluſion of this Seſſion of Aſſembly; and the ſame having been found greatly beneficial to the Trade and Commerce of this Province;

II. BE

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Act of Aſſembly aforeſaid, from and after the Paſſing this Act, ſhall continue and remain in Force Five Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

A. D. 1757. Said Act further continued for 5 Years.

CHAP. III.

An Act, to revive an Act, to eſtabliſh a Public Ferry from Newby's *Point to* Phelps's *Point, whereon the Court-houſe now ſtands, on* Perquimans *River.*

I. WHEREAS an Act of Aſſembly, intituled, *An Act, to eſtabliſh a Ferry from* Newbey's *Point to* Phelps's *Point, whereon the Court-houſe now ſtands on* Perquimans *River,* paſſed in the Year of our Lord One Thouſand Seven Hundred and Fifty-four, has been found to be of great Utility to the Public, but being temporary, and to continue in Force no longer than until the Concluſion of this preſent Seſſion of Aſſembly: Private.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the ſaid Act of Aſſembly, from and after the paſſing this Act, ſhall be and remain in Force during the Term of Five Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. IV.

An Act, for finiſhing the Church in Wilmington.

I. WHEREAS by Virtue of an Act of Aſſembly paſſed in the Year One Thouſand Seven Hundred and Fifty-one, intituled, *An Act, for building a Church in* Wilmington, *in St.* James's *Pariſh, in New-Hanover County,* certain Commiſſioners therein named have received the Taxes which were laid, and the Sums which were ſubſcribed, or Part of them, for and toward building the ſaid Church, and have cauſed Part of the Walls of the ſaid Church to be built, but have not, for ſome Months, made any Progreſs in the ſaid Work, nor have they rendered Accounts of what Money has been received and expended for the ſaid Building: In order therefore to finiſh the ſaid Church, to bring to Account all thoſe who have been concerned in receiving and paying Money for the ſame, as well as thoſe who are ſtill in Arrear for the Taxes and Subſcriptions allotted to the ſaid Church; Private.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That *John DuBois, Cornelius Harnett,* and *George Wakely,* Eſqrs. or the Majority of them, be, and are hereby conſtituted and appointed Commiſſioners for finiſhing the ſaid Church, in the Room and Stead of the Commiſſioners appointed in and by the Act herein before recited, with full Power and Authority to them the ſaid *John DuBois, Cornelius Harnett,* and *George Wakely,* or the Majority of them, to account with the former Commiſſioners, or any of them who have received

A. D. 1757. ceived Money or Effects for the Purpoſe aforeſaid; and alſo, to bring to Account every Sheriff who is in Arrear for Pariſh Taxes appropriated to the ſaid Church, and all Perſons who have neglected to pay the Sums by them reſpectively ſubſcribed: And if any former Commiſſioner, the Executors or Adminiſtrators of any Commiſſioner, any Sheriff, or other Perſon in Arrear, or ſuſpected to be in Arrear as aforeſaid, or having any Money or Materials which have been appropriated for building the ſaid Church, in his or their Cuſtody, ſhall refuſe or neglect, on Requeſt to him or them made, to account with the ſaid *John DuBois*, *Cornelius Harnett*, and *George Wakely*, or the Majority of them, upon Oath, or to produce Vouchers where the Nature of the Caſe requires, and to pay the Ballance by him or them reſpectively due; then upon ſuch Refuſal or Neglect, it ſhall be lawful for the Supreme Court at *Wilmington*, or for the County Court of *New-Hanover*, (where the Sum is within the Juriſdiction of that Court) upon Motion of the ſaid *John DuBois*, *Cornelius Harnett*, and *George Wakely*, or the Majority of them, to give Judgment againſt ſuch Commiſſioner, Sheriff, or other Perſon or Perſons, for all the Money wherewith he is, or they are chargeable, for the Purpoſe aforeſaid, and thereupon to award Execution againſt the Goods and Chattels, Lands and Tenements, of ſuch Commiſſioner, Sheriff, or other Perſon; provided that ſuch Commiſſioner, Sheriff, or other Perſon, ſhall have Ten Days Notice of ſuch Motion.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners, or the Majority of them, ſhall, every Year, at the firſt Meeting of the Veſtry of St. *James*'s Pariſh, after *Eaſter-Monday*, render to the ſaid Veſtry, upon Oath, a fair and juſt Account of all the Money and Effects they ſhall have received and expended by Virtue of the Truſt hereby in them repoſed; and the ſaid Veſtry ſhall tranſmit to the Seſſion of the General Aſſembly next after their ſaid Meeting, a Duplicate of the ſaid Accounts, with their Report thereupon.

IV. *AND be it further Enacted*, That the ſaid Commiſſioners, or the Majority of them, ſhall proceed in building and finiſhing the ſaid Church, as far as the Sums and Materials they ſhall receive by Virtue of this Act, will enable them; and in ſuch building and finiſhing ſhall be guided by the Directions of the Veſtry of St. *James*'s Pariſh, which they ſhall from Time to Time receive.

CHAP. V.

An Act, for further continuing an Act, intituled, An Act, for the Encouragement of *James Davis* to ſet up and carry on his Buſineſs of a Printer in this Province; and for other Purpoſes therein mentioned. EXP.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.

MATTHEW ROWAN, Preſident.

SAMUEL SWANN, Speaker.

A. D. 1757.

ANNO REGNI GEORGII II,

Regis, *Magnæ Britanniæ, Franciæ, & Hiberniæ,* Triceſſimo Primo.

At a General ASSEMBLY, begun and held at *Newbern*, on the Twelfth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-four, and from thence continued, by ſeveral Prorogations, to the Twenty-firſt Day of *November*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-ſeven: Being the Fifth Seſſion of this Aſſembly.

ARTH. DOBBS, Eſq; Governor.

CHAP. I.

An Act, for granting a further Aid to his Majeſty, for ſubſiſting the Forces neceſſary to be kept in the Pay of this Province; and for other Purpoſes.

This Act had its Effect.

CHAP. II.

An Act, to enable the Commiſſioners of Fort Johnſton, *and Fort* Granville, *to finiſh the Forts; and to erect Barracks for accommodating the Troops in the ſame.*

I. WHEREAS the Commiſſioners appointed to build Fort *Johnſton*, and Fort *Granville*, have not Public Money in their Hands to finiſh the ſaid Forts; and it will be ſeveral Years before the Taxes, laid for raiſing the ſame, will be paid;

Preamble.

II. *BE*

A. D. 1756.

Powder and Lead received in Port-*Brunſwick*, to be ſold, for finiſhing ſaid Fort, and building Barracks.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid Commiſſioners of Fort *Johnſton*, ſhall and may, from Time to Time, order and direct the Powder Receiver in Port *Brunſwick*, to ſell and diſpoſe of, at Public Vendue, Powder and Lead by him received, and to be received, to the Amount of ſuch Sum and Sums as they ſhall find neceſſary, for finiſhing and repairing Fort *Johnſton*; and order the Monies ariſing by ſuch Sale, and other Monies received, or to be received by the ſaid Receiver on Account of the ſaid Duty, to be paid to ſuch Perſon or Perſons as they ſhall think proper, to be applied to finiſhing and repairing the ſaid Fort, and for erecting and building Barracks for the accommodating ſuch Troops as now are, or hereafter may be, employed in garriſoning and defending the ſaid Fort.

Alſo, the Powder and Lead belonging to Ports *Roanoke, Bath & Beaufort*, for finiſhing Fort *Granville*, and building Barracks for the ſame.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners of Fort *Granville*, ſhall and may order and direct the ſeveral Powder Receivers of Port *Roanoke*, Port *Bath*, and Port *Beaufort*, from Time to Time, to ſell and diſpoſe of, at Public Vendue, Powder and Lead by them reſpectively received, or to be received, to the Amount of ſuch Sum or Sums in the ſaid ſeveral Ports reſpectively, as the ſaid laſt mentioned Commiſſioners ſhall find neceſſary for finiſhing and repairing Fort *Granville*; and order the Monies ariſing on ſuch Sales, and any other Monies received, or to be received by the Receivers of the ſaid Ports, to be paid to ſuch Perſon or Perſons as they ſhall think proper, to be applied to finiſhing and repairing Fort *Granville* aforeſaid; and for erecting and building Barracks for accommodating ſuch Troops as now are, or hereafter ſhall be employed in garriſoning and defending the ſaid Fort, reſerving ſo much as they ſhall think neceſſary for the Uſe of the ſame; any Act of Aſſembly to the contrary notwithſtanding.

Receivers to give 10 Days Notice of Sale of Powder and Lead.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That every of the ſaid Receivers ſhall give Public Notice, by Advertiſement, Ten Days before he ſhall make Sale of any Powder and Lead by this Act directed to be ſold.

CHAP. III.

An Act, for further amending an Act, intituled, An Act, for amending the Staple of Tobacco, and preventing Frauds in his Majeſty's Cuſtoms.

Preamble.

I. WHEREAS the Proviſion made by one Act of Aſſembly made in the Twenty-eighth Year of his preſent Majeſty's Reign, intituled, *An Act, for amending the Staple of Tobacco, and preventing Frauds in his Majeſty's Cuſtoms*, hath not proved ſufficient to prevent the pernicious Practice of exporting bad and unmerchantable Tobacco:

No Tobacco to be ſold or bartered, before brought to ſome Public Warehouſe and inſpected, on Pen. of 20 s.

* II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the Firſt Day of *January* next, all Tobacco which ſhall be ſold, bartered, or exchanged, ſhall be firſt brought to ſome or one of the Public Warehouſes eſtabliſhed by Law, and there viewed and inſpected

* This Clauſe repealed, by Act paſſed *Nov.* 1759, Chap XI.

ed according to the Directions of the ſaid Act. And all and every Perſon and Perſons who ſhall preſume to buy, ſell, barter or exchange any Tobacco, before the ſame hath been viewed and inſpected as aforeſaid, ſhall forfeit and pay Twenty Shillings, Proclamation Money, for every Hundred Weight of ſuch Tobacco, and ſo proportionably for a greater or leſs Quantity, to the Informer: To be recovered, if it doth not exceed Twenty-five Shillings, Proclamation Money, before a Juſtice of the Peace; and if it doth exceed the ſaid Sum, by Action of Debt, wherein the Plaintiff ſhall recover his Coſts; and the *Onus probandi*, as to the Tobacco ſold, bartered or exchanged, being duly inſpected, ſhall lie on the Defendant. *A. D.* 1757.

III. *AND be it further Enacted*, That no Tobacco, on any Pretence whatſoever, ſhall be carried or tranſported by Water, paſt any Public Warehouſe, to be inſpected, out of the Diſtrict where the ſame is, or ſhall be made; and if ſo carried or tranſported, ſhall not be inſpected or paſſed, by an Inſpector's knowing the ſame to be made out of ſuch Diſtrict, upon Pain of forfeiting (by the Owner who ſhall carry or tranſport the ſame, and the Inſpectors who ſhall paſs ſuch Tobacco, reſpectively,) the Sum of Five Pounds, Proclamation Money, for every Hogſhead, Caſe or Package of the ſaid Tobacco, to the Informer; to be recovered by Action of Debt, with Coſts, in any Court of Record: And moreover, every Hogſhead, Caſe or Package of ſuch Tobacco, ſhall be forfeited to the Perſon or Perſons who ſhall make Information thereof, and may be ſeized by a Warrant from any Juſtice of the Peace.

No Tobacco to be carried paſt a Pub. Warehouſe to be inſpected, on Pen. of 5 l. to the Owner, & Inſpector that ſhall paſs it, reſpectively.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That no Tobacco which ſhall be brought to any Public Warehouſe, and refuſed by the Inſpectors officiating there, ſhall be carried away or removed therefrom, before the ſame ſhall be ſeparated and picked according to the Directions of the aforementioned Act: And every Perſon and Perſons who ſhall carry away or remove any Tobacco ſo refuſed from any Public Warehouſe, contrary to the true Intent and Meaning of this Act, ſhall forfeit One Hundred Pounds, to be recovered by Action of Debt, in the Supreme Court; one Half to the Uſe of his Majeſty, for and towards defraying the contingent Charges of Government, and the other Half to the Uſe of ſuch Perſon as will ſue for the ſame.

No Tob. refuſed by the Inſpectors, to be carried from the Warehouſe before picked, on Pen. of 100 l.

V. AND whereas the Public Warehouſe at *Ragland's*, in *Northampton* County, is found, by Experience, to be ſituated at a Place inconvenient for the Inhabitants of the ſaid County: Wherefore, *Be it Enacted, by the Authority aforeſaid*, That from and after the Firſt Day of *October* next, the ſaid Warehouſe ſhall be diſcontinued and ceaſe to be a Public Warehouſe.

Warehouſe diſcontinued.

VI. AND whereas the Plantation which did belong to *Robert* and *John Lyde*, in the ſaid County, and now owned by *Robert Jones*, of the ſaid County, Eſq; has been repreſented to this Aſſembly as a convenient Place for erecting thereat a Public Warehouſe; and the ſaid *Robert Jones* having given his Conſent that a Warehouſe, for the Uſe of the Public, ſhould be built at the ſaid Plantation; *Be it therefore Enacted, by the Authority aforeſaid* That the Juſtices of the County Court of *Northampton*, do cauſe a Public Warehouſe to be erected and built at the Plantation aforeſaid,

Another erected, and Inſpectors to be appointed.

A D. 1757. aforeſaid, and appoint Inſpectors to attend the ſame; which Warehouſe, when erected, ſhall be deemed a Public Warehouſe; and the Inſpectors to be appointed to attend the ſame, ſhall be under the ſame Regulations and Reſtrictions, and intitled to the ſame Salaries and Emoluments, as is appointed and directed by this Act for other Inſpectors attending Public Warehouſes in the ſaid Counties; any Act of Aſſembly to the contrary notwithſtanding.

Their Time of continuing at ſeveral Inſpections, increaſed.

VII. AND whereas by Reaſon of the great Quantities of Tobacco brought to the Inſpections at *Buckſton*'s and the *Pitch* Landing, on *Meherrin*, in *Northampton* County, and *Elbeck*'s, in *Edgcomb* County, the Inſpectors officiating at the ſaid Inſpections, cannot diſcharge the Duty of their reſpective Offices within the Time limited by the aforeſaid Act: *Be it therefore further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, the Inſpectors of the ſaid reſpective Inſpections, ſhall conſtantly attend their Duty, from the Firſt Day of *March* to the Twenty-fifth Day of *May*; and from the Twentieth Day of *October* to the Tenth Day of *January*, Yearly; *Sundays* and holy Days excepted.

Their Salary.

VIII. *AND be it further Enacted*, That there ſhall be paid to the ſeveral Inſpectors attending the ſaid Inſpections, the Sum of Twenty Pounds, Proclamation Money, inſtead of the Salary by Law now eſtabliſhed.

County Courts to enlarge or diminiſh Inſpectors Time of Attendance, and regulate their Salaries.

IX. *AND be it further Enacted*, That the Juſtices of each and every other County, where there are Public Warehouſes, ſhall, and they are hereby impowered, to enlarge or diminiſh the Salaries, and Time for Attendance of Inſpectors, as they ſhall think reaſonable and convenient.

Inſpectors to pay Rent of the Warehouſes, out of 3 s. per Hogſhead.

X. *AND be it further Enacted*, That the Rent by the ſaid Act directed to be paid, for every Hogſhead of Tobacco received, inſpected and delivered out of the Public Warehouſes, reſpectively, ſhall be paid and ſatisfied by the Inſpectors, out of the Three Shillings *per* Hogſhead, by the ſaid Act appointed to be paid by the Shipper thereof.

Perſons proſecuted on this Act, to give Bail to the Action.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That when any Action ſhall be commenced and proſecuted againſt any Perſon founded on this Act, ſuch Perſon ſhall not be enlarged out of Cuſtody until he ſhall have given Bail to ſuch Action; any Law or Cuſtom to the contrary notwithſtanding.

Juſtices to provide Scales and Weights to weigh Tobacco.

XII. AND whereas Merchants and others have ſuffered greatly in the Counties of *Edgcomb*, *Northampton*, and *Bertie*, from having Tobacco weighed with Steelyards; *Be it Enacted, by the Authority aforeſaid*, That the Juſtices of the ſaid Counties ſhall, at the Expence of their reſpective Counties, cauſe Scales and Weights to be bought, for the Uſe of ſuch Warehouſes as are not already ſupplied therewith; and the Inſpectors ſhall not, after they ſhall be furniſhed with the ſame, preſume to weigh Tobacco with Steelyards.

CHAP.

A. D. 1757.

CHAP. IV.

An Act, to impower the Juſtices of the Supreme Courts to take the Acknowledgment or Proof of Deeds; and for allowing them a Salary.

Provided for by the Superior Crt. Act, paſſed *Nov.* 1762, Chap. I.

CHAP. V.

An Act, for eſtabliſhing a Town on the Land of James Leſlie, *on* Roanoke *River.*

Private.

I. WHEREAS it hath been repreſented to this Aſſembly, that the Land of *James Leſlie*, lying on the *South* Side of *Roanoke* River, in *Edgcomb* County, is a healthy, pleaſent Situation, well watered, and commodious for Commerce; and ſundry Merchants and Perſons of Note, have contracted with the ſaid *James Leſlie* for the Purchaſe of One Hundred Acres of the ſaid Land, and are deſirous that a Town ſhould be erected thereon, for promoting the Tade and Navgation of the ſaid River:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid One Hundred Acres of Land, when the ſame ſhall be laid off, according to the Directions of this Act, be, and the ſame is hereby conſtituted, erected and eſtabliſhed a Town; and ſhall be called by the Name of *Halliſax*.

III. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, *Thomas Barker*, *Alexander McCulloch*, *John Gibſon*, *Richard Brownrig*, and *Robert Jones*, the younger, be, and they, and every of them, are hereby conſtituted Directors and Truſtees, for deſigning, building, and carrying on the ſaid Town: And they ſhall ſtand ſeized of an indefeiſable Eſtate, in Fee, in the ſaid One Hundred Acres of Land, to and for the Uſes, Intents and Purpoſes, hereby expreſſed and declared; and they, or any Three of them, ſhall have full Power and Authority, to meet, as often as they ſhall think neceſſary, and to appoint a Public Quay, and ſuch Place on the ſaid River, for a Public Landing, as to them ſhall ſeem convenient; and to lay out Four Acres of the ſaid One Hundred for a Market Place, and other Public Buildings; and the Reſidue thereof into Lots, Streets, Lanes and Alleys, or ſo much of the ſame as will make at leaſt One Hundred and Twenty Lots, of half an Acre each; and cauſe a Plan thereof to be made, and therein to inſert Marks and Numbers to each Lot.

IV. *PROVIDED neverthelefs*, That nothing in this Act contained, ſhall be conſtrued or extend to grant Power to the ſaid Directors, or their Succeſſors, or any other Freeholder of the ſaid Town, to keep a Public Ferry at the Landing ſo to be appointed by the ſaid Directors, in Prejudice to the Ferry of the ſaid *James Leſlie*, now by Law eſtabliſhed. And in Caſe it ſhould hereafter be found neceſſary, to erect a Public Ferry at the ſaid Landing, the Right of keeping the ſame ſhall remain to the ſaid *James Leſlie*, his Heirs and Aſſigns, until he or they ſhall refuſe to comply with the Terms by Law preſcribed for erecting and keeping Public Ferries.

V. AND

A. D. 1757.

V. AND whereas Subſcriptions have already been made, for One Hundred and Twenty Lots, to be laid off in the ſaid Town; *Be it further Enacted, by the Authority aforeſaid*, That the ſaid Directors, or the Majority of them, within one Month after the laying off the ſaid Town, ſhall appoint a Time, and give Public Notice thereof, for meeting the ſaid Subſcribers on the ſaid Land, for determining the Property of each particular Lot; which ſhall be done by Ballot, in a fair Manner, by the Direction of, and in Preſence of the Majority of the ſaid Directors at leaſt; and each Subſcriber ſhall be intitled to the Lot or Lots which ſhall happen to be drawn for him, and correſpond with the Number contained in the Plan of the ſaid Town; and the ſaid Directors, or the Majority of them, ſhall make and execute Deeds for granting and conveying the ſaid One Hundred and Twenty Lots to the Subſcribers, their Heirs and Aſſigns, for ever; and alſo, to every other Perſon who ſhall purchaſe any other Lot or Lots in the ſaid Town, at the Coſts and Charges of the Grantee to whom the ſame ſhall be conveyed; and every Perſon claiming any Lot or Lots by Virtue of any ſuch Conveyance, ſhall and may hold and enjoy the ſame in Fee-ſimple.

VI. *PROVIDED neverthelefs*, That every Grantee of any Lot or Lots in the ſaid Town ſo conveyed, ſhall, within Three Years next after the Date of the Conveyance for the ſame, erect, build and finiſh, on each Lot ſo conveyed, one well framed Houſe, Sixteen Feet ſquare, at the leaſt, and Ten Feet Pitch in the Clear, or proportionable to ſuch Dimenſions, if ſuch Grantee ſhall have Two or more Lots contiguous: And if the Owner of any Lot ſhall fail to purſue and comply with the Directions in this Act preſcribed for building and finiſhing a Houſe thereon, then ſuch Lot upon which ſuch Houſe ſhall not be built and finiſhed, ſhall be reveſted in the ſaid Directors; and the ſaid Directors, or the Majority of them, may, and are hereby impowered and authorized, to ſell ſuch Lot for the beſt Price that can be had, to any Perſon applying for the ſame, in ſuch Manner, and under ſuch Reſtrictions, as they could or might have done if ſuch Lot had not before been ſold or granted.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the reſpective Subſcribers for the ſaid One Hundred and Twenty Lots, ſhall, within one Month after it ſhall be aſcertained to whom each of the ſaid Lots doth belong, in Manner herein before mentioned, pay and ſatisfy to the ſaid Directors, the Sum of Forty Shillings, Proclamation Money, for each Lot by him ſubſcribed for; and in Caſe of the Refuſal or Neglect of any Subſcriber to pay the ſaid Sum, the ſaid Directors ſhall and may commence and proſecute a Suit in their own Names for the ſame, and therein ſhall recover Judgment, with Coſts of Suit.

VIII. *AND be it further Enacted*, That all Monies which ſhall ariſe by a Diſpoſal of the ſaid Lots, granted by the ſaid Directors, and their Succeſſors, in Execution of this Act, ſhall be received by the ſaid Directors; and after their reaſonable Charges and Expences are deducted, ſhall be by them applied, in the firſt Place, towards paying and ſatisfying the ſaid *James Leſlie*, One Hundred and Fifty Pounds for the ſaid One Hundred Acres of Land; and, in the next Place, in building and erecting a Bridge over *Qunkey* Creek, for the Convenience of Travellers, in

in going to, and returning from, the ſaid Town; and the Overplus thereof towards the Advantage and Improvement of the ſaid Town, in ſuch Manner as the Majority of the ſaid Directors ſhall, from Time to Time, think convenient. A. D. 1757.

IX. AND for continuing the Succeſſion of the ſaid Directors until the ſaid Town ſhall be incorporated; *Be it further Enacted, by the Authority aforeſaid*, In Caſe of the Death, Refuſal to act, or Removal out of the Country, of any of the ſaid Directors, the ſurviving, or other Directors, or the major Part of them, ſhall aſſemble, and are hereby impowered, from Time to Time, by Inſtrument in Writing, under their reſpective Hands and Seals, to nominate ſome other Perſon, being an Inhabitant or Freeholder of the ſaid Town, in the Place of him ſo dying, refuſing to act, or removing out of the Country; which new Director ſo nominated and appointed, ſhall, from thenceforth, have the like Power and Authority, in all Things in the Matters herein contained, as if he had been expreſsly named and appointed in and by this Act.

CHAP. VI.

An Act, for the better eſtabliſhing a Ferry on the North-Eaſt *Side of the* North-Weſt *River of* Cape-Fear, *being the Place commonly called or known by the Name of* Dawſon's *Ferry.*

Private.

I. WHEREAS the Ferry on the *North-Eaſt* Side of the *North-Weſt* River of *Cape-Fear*, called *Dawſon*'s Ferry, hath been of long ſtanding, and found very convenient for Travellers, and others: And whereas the Land on the *North-Eaſt* Side of the ſaid River, where the Public Road croſſes and leads to the *Yadkin*, and ſo to *South-Carolina*, is the Property of *William Dawſon*, who lives thereon; and being deſirous that the ſaid Ferry ſhould be continued and fixed at the ſame Place: Wherefore, for the Encouragement of the ſaid *William Dawſon*, and Conveniency of all Travellers, and to prevent the removing the Ferry from the Place aforeſaid;

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid Ferry is hereby inveſted in, and ſhall from henceforward, be held and deemed the Right and Property only of the ſaid *William Dawſon*, his Heirs or Aſſigns.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid *William Dawſon*, his Heirs or Aſſigns, ſhall, as ſoon as conveniently may be, build or provide a good and ſubſtantial Boat, fit for the Tranſportation of Men and Horſes, and ſhall maintain and keep the ſame always in good Repair, and give conſtant Attendance at the ſaid Ferry; and ſhall alſo, for the true Performance of the ſame, at the County Court of *Cumberland*, next after the paſſing of this Act, enter into Bond, with good and ſufficient Security, to be adjudged and approved of by the ſaid Court.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That after a Boat is ſo built or provided, and the Security given as aforeſaid, that it ſhall and may be

A. D. 1757. lawful for the ſaid *William Dawſon*, his Heirs or Aſſigns, to take and receive from all Perſons that ſhall paſs over the ſaid Ferry, the following Rates; that is to ſay, Four Pence, Proclamation Money, for a Man and Horſe, and Two Pence like Money for a Footman; and One Shilling for each Carriage drawn by one or two Horſes, and for each Horſe more, Four Pence; and One Penny for each Steer, Cow, Hog or Sheep.

V. AND whereas Part of the Road on each Side of the ſaid Ferry, wants to be cleared and made good; *Be it Enacted, by the Authority aforeſaid*, That the ſaid *William Dawſon* ſhall, at his own Expence, clear the ſame; that is to ſay, On the *North-Eaſt* Side of the ſaid River, from the Ferry to *Black* River, and ſo on the *South-Weſt* or oppoſite Side of the ſaid Ferry to *Cumberland* Court-houſe; and that the ſame ſhall afterwards be kept in Repair, and maintained by the Commiſſioners and Overſeers of the Diſtrict in which the ſaid Roads lie.

CHAP. VII.

An Act, to obviate Doubts concerning Fees due on Proceedings in the Supreme Courts of Juſtice, Oyer *and* Terminer, *and General Goal Delivery.*

Preamble. I. WHEREAS it has been doubted, from the Practice of former Times, whether, on the Death or Removal of a Chief Juſtice, the Executors or Adminiſtrators of ſuch deceaſed Chief Juſtice, or any Chief Juſtice removed from his ſaid Office, were intitled to have and receive the Fees which accrued and became due on Suits and Proceedings in the Supreme Courts of Juſtice, *Oyer* and *Terminer*, and General Goal Delivery of this Province, where ſuch Suits and Proceedings were not finally determined during the Time ſuch Chief Juſtice ſo deceaſed or removed, continued in Office: To obviate ſuch Doubts for the future;

Doubts about C. Juſtices Fees, obviated. II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That when any Chief Juſtice of this Province hath departed this Life, or ſhall happen to die during the Time of his Continuance in Office, or hath been, or ſhall be removed therefrom, it ſhall and may be lawful for the Executors, Adminiſtrators or Aſſigns, of ſuch Chief Juſtice ſo deceaſed, or which ſhall depart this Life as aforeſaid, and for ſuch Chief Juſtice as hath been, or ſhall be removed from his ſaid Office, to have, take and receive, to his or their own proper Uſe, all Fees and Perquiſites whatſoever accrued and become due, or which ſhall accrue and become due, on the ſeveral Suits and Proceedings in the reſpective Courts of Juſtice, *Oyer* and *Terminer*, and General Goal Delivery of this Province, at the Time of the Death or Removal of any Chief Juſtice, although ſuch Suits and Proceedings, at ſuch Time or Times, were, or ſhall not be, finally determined.

Power and Method of collecting ſuch Fees. III. *AND be it further Enacted, by the Authority aforeſaid*, That when any Chief Juſtice hath departed this Life, or ſhall happen to die during his Continuance in Office, or hath been, or ſhall be removed therefrom, the Executors, Adminiſtrators or Aſſigns, of ſuch Chief Juſtice ſo deceaſed, or which ſhall die as aforeſaid; and every Chief Juſtice which hath been, or ſhall be removed from his Office,

fice, ſhall and may have the like Relief, Remedy and Proceedings, for all ſuch Fees and Perquiſites to them reſpectively due, as can or may be had by any Chief Juſtice during the Time of his continuing in the ſaid Office. A. D. 1737.

CHAP. VIII.

An Act, for preſerving Peace, and continuing a good Correſpondence with the Indians *in Alliance with his Majeſty's Subjects.* REP.

CHAP. IX.

An Act, for adding Part of Beaufort *to* Craven *County; for aſcertaining the dividing Line between the ſaid Counties.*

I. WHEREAS the Inhabitants of that Part of *Beaufort* County, lying between *Bay* River and Lower *Broad-Creek*, are, by Reaſon of the Removal of the Court of the ſaid County, at a very great Diſtance from the ſame, and are often put to great Hardſhips and Fatigue, in attending their County Court at ſuch a Diſtance; and whereas it would be much more convenient to the ſaid Inhabitants, if that Part of the ſaid County of *Beaufort* was added to *Craven* County: Private.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That that Part of the ſaid County of *Beaufort*, lying between *Bay* River and Lower *Broad-Creek*, as aforeſaid, be, from henceforth, deemed, held and taken to be Part of *Craven* County; and that the Inhabitants thereof, be ſubject and liable to the ſame Rules, Orders and Taxes, as any other of the Inhabitants of the ſaid County of *Craven* now are, or ſhall hereafter be, ſubject or liable to: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

III. AND whereas the Bounds of the ſaid Counties of *Beaufort* and *Craven*, are very uncertain, by Reaſon of a Dividing Line between the ſame never being as yet properly aſcertained; *Be it therefore Enacted, by the Authority aforeſaid,* That from henceforward, the Bounds of the ſaid Counties be by *Bay* River, from the Mouth thereof, up the Main *Weſtermoſt* Branch, to the Head, thence by the *Flat* Swamp that makes from the Head of the ſaid River; and from the Head of the ſaid *Flat* Swamp, by a Line to be run nearly equidiſtant between *Tar* and *Neuce* Rivers; and that Mr. *John Hardy* and Mr. *Joſeph Bryan*, are hereby appointed Commiſſioners for running the ſaid Line; which ſhall be at the Expence of each County reſpectively.

CHAP. X.

An Act, to amend an Act, intituled, An Act, for the better Regulation of the Town of *Newbern*; and for ſecuring the Titles of Perſons who hold Lots in the ſaid Town.

I. WHEREAS many Diſputes have ariſen among the Inhabitants of the ſaid Town, concerning who are to be deemed Taxables; Pivate.

II. *BE*

A. D. 1757. II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from henceforward, none but Males ſhall be ſubject to pay the Town Tax; any Uſage or Cuſtom to the contrary notwithſtanding.

III. AND whereas the Commiſſioners of the ſaid Town cannot lay a Tax without Conſent of the Freeholders, or the Majority of them, preſent, whereby many Inconveniences have ariſen, greatly prejudicial to the good Government of the ſaid Town; *Be it Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town, or the Majority of them, ſhall have full Power and Authority, to lay any Tax on the Male taxables of the ſaid Town, not exceeding Ten Shillings *per* Poll, *per Annum*; and the Commiſſioners ſhall, annually, put up an Account of the Monies by them received and expended, at the Court-houſe.

IV. AND whereas the allowing of Hogs to run at large in the ſaid Town, is found to be a great Nuſance to the Inhabitants; *Be it therefore Enacted, by the Authority aforeſaid*, That none of the Inhabitants of the ſaid Town, ſhall, on any Pretence whatſoever, ſuffer any of their Hogs to run at large within the Bounds of the ſaid Town; and any Hog or Hogs, of any Inhabitant or Inhabitants of the ſaid Town, running at large, ſhall be forfeited to any Perſon who ſhall ſeize or kill the ſame.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners, and the Inhabitants, ſhall have free Liberty to hold all their Public Meetings, on all Occaſions, in the Court-houſe, and have the Liberty of a Key to the ſame.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That if at any Time any Tavern-keeper, Ordinary-keeper, Retailer of Liquors, or Keeper of a Public Houſe in the ſaid Town, ſhall ſuffer any Perſon or Perſons whatſoever, to ſit tippling or drinking in his or her Houſe on the Sabbath Day; ſuch Perſon or Perſons ſo offending, ſhall forfeit and pay Twenty Shillings, Proclamation Money, for every ſuch Offence; to be recovered by a Warrant, under the Hand and Seal of any Juſtice of the Peace for the County of *Craven*; and which ſhall be paid into the Public Stock of the ſaid Town.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever in the ſaid Town, ſhall, on any Pretence whatever, give any Credit, Loan or Truſt, to any Mariner or Seamen, belonging to, or under the Command of any Maſter of a Veſſel, that now is, or ſhall at any Time hereafter be lying in the Rivers of *Neuce* or *Trent*, exceeding the Sum of Two Shillings and Eight Pence, Proclamation Money, except by the Leave or Licence of the Maſter or Commander of the Veſſel he belongs to, or where ſuch Sailor or Mariner ſhall have left the Veſſel, to apply to either of the Courts of Juſtice, in any Diſputes or Controverſies with the Captain or Commander of ſuch Veſſel; that then, and in ſuch Caſe, he, ſhe or they, ſhall, for every ſuch Default, looſe all the Monies or Goods ſo truſted or credited.

VIII. *AND*

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever in the ſaid Town, ſhall willingly or willfully, entertain, harbour or keep, or ſuffer to be entertained, harboured or kept, directly or indirectly, any Seaman, belonging to any Veſſel as aforeſaid, in his, her, or their Houſe or Houſes, exceeding the Space of Twenty-four Hours, without the Privity or Conſent of his Commander, (except in the Caſe before excepted) he, ſhe, or they, ſo offending, ſhall forfeit the Sum of Twenty-five Shillings, Proclamation Money, for every ſuch Offence; to be recovered by Warrant, under the Hand and Seal of any Juſtice of the Peace for the County of *Craven*, and paid into the Public Stock or Fund of the ſaid Town. *A. D.* 1757.

IX. AND whereas the ſaid Town is deſtitute of a Court-houſe for the County Court to ſit in; and the Monies for building the ſame hath not been hitherto applied for the Purpoſes intended: For Remedy whereof, *Be it therefore Enacted, by the Authority aforeſaid*, That *John Fonville*, Eſq; be, and is hereby appointed Commiſſioner, for building the ſaid Court-houſe; who ſhall give Bond, with Security, to the Committee, appointed by the Court of the County of *Craven*, to finiſh and compleat the ſame, within the Time he may agree with them for.

X. AND in order to enable the ſaid *John Fonville* to finiſh and compleat the ſaid Court-houſe, as ſpeedy as poſſible he can; *Be it Enacted, by the Authority aforeſaid*, That he ſhall have, and is hereby inveſted, with full Power and Authority, to call upon all Perſons who may have Monies in their Hands, to account and pay to him whatever Ballances there may be due in their Hands on that Account: And on their Refuſal or Neglect ſo to do, it ſhall and may be lawful, at the Supreme Court, held at *Newbern*, on Motion of the ſaid *John Fonville*, to give Judgment againſt all and every ſuch Perſon or Perſons for all the Monies wherewith he or they are chargeable, with Coſts; and thereupon to award Execution againſt the Goods and Chattels, Lands and Tenements, of ſuch Perſon or Perſons. *Provided* that ſuch Perſon or Perſons ſhall have Ten Days previous Notice of ſuch Motion.

CHAP. XI.

An Act, to enable the Commiſſioners of the Church of Edenton, *to diſcharge the Contracts by them made, concerning the finiſhing the ſame.*

Private.

I. WHEREAS the Commiſſioners of the Church at *Edenton*, have, purſuant to Act of Aſſembly, contracted with a Workman for finiſhing the Inſide Work of the ſaid Church; but there is not Money in their Hands, appropriated to that Uſe, ſufficient for ſuch Purpoſe:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly*, That when the Pews in the ſaid Church ſhall be finiſhed, it ſhall and may be lawful for the ſaid Commiſſioners, or a Majority of them, and they are hereby required, to cauſe the ſame to be numbered; and after ſetting a-part one of them for the Uſe of the Governor, and the Members of his Majeſty's Council, and one for the Miniſter officiating in the ſaid Church, and his Family, during the Time of ſuch Miniſter's continuing to be the Incumbent in St. *Paul's* Pariſh, in *Chowan* County, and Six for the Uſe of ſuch

A. D. 1757. of the Pariſhoners as do not incline to purchaſe; the ſaid Commiſſioners, or a Majority of them, ſhall ſell, at Public Auction, ſeparately, the other Pews in the ſaid Church; and ſhall make and execute Deeds, for conveying the Pews ſo ſold, to the reſpective Purchaſers, their Heirs and Aſſigns, for ever; and the Deeds ſo executed, ſhall be good and valid in Law, to convey the Fee-ſimple, and Inheritance of the ſame, to the Grantees, their Heirs and Aſſigns, for ever, reſpectively.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners ſhall apply the Monies ariſing by the Sales of the ſaid Pews, towards finiſhing the ſaid Church, and be accountable for the ſame, as by Law they are accountable for other Monies raiſed for the ſaid Purpoſe.

CHAP. XII.

An Act, to repeal an Act, intituled, An Act, for deſtroying Vermin in this Province.

Preamble. I. WHEREAS an Act, intituled, *An Act, for deſtroying Vermin in this Province*, is found not to anſwer the good Purpoſes intended thereby;

Act repealed. II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame, and it is hereby Enacted*, That the ſaid Act of Aſſembly, intituled, *An Act, for deſtroying Vermin in this Province*, be, and the ſaid Act is henceforth repealed, and declared to be null and void.

CHAP. XIII.

An Act, to dock the Intail of certain Lands now in Poſſeſſion of Harding Jones, *under a Deviſe in the Will of* Frederick Jones, *Eſq; his Grand-Father, deceaſed, by whom the ſame were intailed.*

Private. I. WHEREAS *Frederick Jones*, Eſq; late of this Province, deceaſed, being, in his Life-time, ſeized in his Demeſne, as of Fee-ſimple, of, in, and to certain large Tracts of Land, lying and being in that Part of *Chowan* Precinct, now called *Tyrrel* County, and in *Hyde* and *Craven* Counties; and being ſo ſeized, the ſaid *Frederick Jones* did, by his laſt Will and Teſtament, bearing Date the Ninth Day of *April*, in the Year of our Lord One Thouſand Seven Hundred and Twenty-two, deviſe, to his Son *William Harding Jones*, in Tail-male, all his Lands on the *South* Side of *Moratuck* River, and all his Lands in *Hyde* Precinct; and in Default of Heirs Male of the ſaid *William Harding Jones*, deviſed the Remainder of the ſaid Lands, in Tail-male, to his Son *Frederick Jones*; and by the ſame Will, the Teſtator deviſed all his Lands, in *Craven* Precinct, in Tail-male, to his ſaid Son *Frederick:* And the ſaid *William Harding Jones*, after the Death of the ſaid Teſtator, in Conſequence of the ſaid Deviſe, became ſeized of the Lands deviſed to him as aforeſaid, and died ſeized thereof, without Iſſue, in the Life-time of the ſaid *Frederick Jones*, to whom the Remainder was limited as aforeſaid. Which ſaid *Frederick*, under the ſaid ſeveral Deviſes, became ſeized of the ſaid ſeveral Tracts of Land, in his Life Time, and ſoon after died ſo ſeized, leaving Male Iſſue, two Sons, *to wit*, *Harding Jones*, and *Frederick Jones*; which ſaid *Harding Jones* is now ſeized, in Tail-Male, of, in, and to all the Lands before mentioned; and

and the ſaid *Harding Jones*, and the ſaid *Frederick Jones*, who, by the Will of the ſaid Teſtator, in Default of Heirs Male of the ſaid *Harding Jones*, will be intitled to the Lands aforeſaid, having, by their Petition, ſet forth to this Aſſembly, that there is a large Arrear of Quit-Rents due on the ſaid Lands, and that they are unimproved, and will be burthenſome and uſeleſs, unleſs Part of the ſaid Lands may be ſold to raiſe Money to diſcharge the Quit-Rents due aforeſaid, and to improve the remaining Part of them; and the Allegations of the ſaid Petition having been fully made known: A. D. 1757.

II. WE pray your moſt excellent Majeſty that it may be Enacted, *And be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Intailment of the ſaid Lands, in the ſeveral Counties aforeſaid, ſo holden and poſſeſſed by the ſaid *Harding Jones*, by Virtue of the Will of his Grand-Father *Frederick Jones*, the Teſtator, (except One Thouſand Acres thereof, lying and being on *Trent* River, in *Craven* County, bounded by a Line beginning at an Oak on the Head of *Reedy* Branch, running by a Line of marked Trees to the Head of *Hood*'s Creek; then down the *Meanders* of the ſaid Creek to *Trent* River; then up *Trent* River to the Mouth of *Reedy* Branch; then up *Reedy* Branch to the firſt Station,) be docked and barred; and that it ſhall and may be lawful for the ſaid *Harding Jones*, to ſell and convey the ſame, or any Part thereof, in Fee-ſimple, in order to enable him to diſcharge the Arrears of Quit-Rents due thereon, and to improve the remaining Part of the ſame, for the Benefit and Advantage of thoſe who may hereafter, in Remainder or Reverſion, be intereſted therein; and all Deeds by him hereafter made, for conveying the ſame, ſhall be good and effectual in Law, to convey the Lands by the ſaid Deeds to be granted to the Grantees, their Heirs and Aſſigns, for ever: Any Thing in the ſaid Will of the ſaid *Frederick Jones*, deceaſed, Grand-Father of the ſaid Petitioners, contained notwithſtanding.

III. *PROVIDED neverthelefs*, That nothing herein contained, ſhall be conſtrued to deſtroy or take away the Right of his Majeſty, his Heirs and Succeſſors, nor the Right of any Body, politic or corporate, nor that of any other Perſon or Perſons, in and to the ſaid ſeveral Tracts of Land, (except that of the ſaid *Harding Jones*, and *Frederick Jones*, their, or either of their Heirs, and the Right of thoſe claiming, or to claim, under them, or any, or either of them, in Virtue of the Intailment in the ſaid Will mentioned,) but the Right, Title and Intereſt, which his Majeſty, his Heirs and Succeſſors, or any Bodies, politic or corporate, or any other Perſon or Perſons, (except the ſaid *Harding Jones*, and *Frederick Jones*, their, or either of their Heirs; and all claiming under them, or any, or either of them, by Virtue of the ſaid Intailment,) may have in and to the ſaid ſeveral Tracts of Land, is hereby ſaved, ſecured and reſerved: Any Thing in this Act to the contrary notwithſtanding.

IV. *PROVIDED alſo*, That this Act ſhall not take Effect, or be in Force, until his Majeſty's Approbation be had to the ſame.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.
MATTHEW ROWAN, Preſident.
SAMUEL SWANN, Speaker.

A. D. 1758.

ANNO REGNI GEORGII II, Regis, *Magnæ Britanniæ, Franciæ, & Hiberniæ,* Triceſſimo Primo.

ARTH. DOBBS, Eſq; Governor.

At a General ASSEMBLY, begun and held at *Newbern*, on the Twelfth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-four, and from thence continued, by ſeveral Prorogations, to the Twenty-eighth Day of *April*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-eight: Being the Sixth Seſſion of this Aſſembly.

CHAP. I.

This Act had its Effect.

An Act, for granting an Aid to his Majeſty, for augmenting the Troops now in the Pay of this Province, to be joined with thoſe under the Command of Brigadier-General Forbes, *paying them whilſt employed in the ſaid Service; and for placing Garriſons in the Forts on the Sea-Coaſts.*

Expired

CHAP. II.

*An Act, to enable the Commiſſioners of Port-*Roanoke, *to amend the Navigation of the ſaid Port; and for other Purpoſes.*

I. WHEREAS from the bad Condition of the Channel from *Beacon-Iſland*, through the Swatch, the Trade and Commerce of the *Northern* Parts of this Province is greatly prejudiced; and it having been repreſented to this Aſſembly,

Assembly, by the Commissioners of Port-*Roanoke*, that by removing certain Shoals, a better Channel may be made to *Roanoke* Bar, and that they have employed a skilful Person to undertake the same: Wherefore, to enable the said Commissioners to accomplish the said Undertaking, in the most effectual Manner: *A. D.* 1758.

Receiver of Port *Roanoke* to receive the Powder Duty in Money, and pay it to the Order of the Commissioners.

II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That from and after the passing of this Act, instead of the Powder and Lead Duty, payable in the said Port of *Roanoke*, the Receiver of the said Duty, for and during the Space of Five Years, shall receive the same in Proclamation Money, at the Rate of Two Shillings *per* Ton, for every Vessel that shall enter in the said Port; the Tonnage of which Vessels shall be ascertained agreeable to the Directions of an Act of Assembly, intituled, *An Act, to amend and continue an Act, intituled,* 'An Act, for granting to his Majesty, a Duty upon the Tonnage of Ships and other Vessels coming into this Province, for the Purposes therein mentioned;' which Duty the said Receiver shall, from Time to Time, after deducting Five *per Centum*, and no more, for his Commissions, pay to the Order of the Commissioners of the said Port, to be employed and laid out in mending the Channel, and improving of the same, in such Manner as they shall think most beneficial and serviceable for the Public.

Commissioners to supply Fort *Granville* with Ammunition.

III. *PROVIDED nevertheless*, That the said Commissioners shall, from Time to Time, out of the Money arising by the said Duty, supply Fort *Granville* with Two Fifths of the Ammunition necessary to be expended in the said Fort.

Vessels coming over *Roanoke* subject to a Duty, and the Collector to pay it to the Commissioners.

IV. *AND be it further Enacted, by the Authority aforesaid*, That all Vessels hereafter coming into the said Port of *Roanoke* over *Roanoke* Bar, shall be subject to the same Tax as those which come over *Roanoke* Bar are liable, by an Act of Assembly, intituled, *An Act, for facilitating the Navigation of Port*-Bath, *Port*-Roanoke, *and Port*-Beaufort; and the Collector of Port-*Roanoke* shall, from Time to Time, after deducting his Commissions, pay to the Order of the Commissioners of Port-*Roanoke* aforesaid, as well the Money he shall receive by this Act, as what he has, and shall receive by Virtue of the last recited Act, to be employed by them in improving the Navigation of the said Port as aforesaid.

Commissioners to account with the Assembly.

V. *AND be it further Enacted, by the Authority aforesaid*, That the said Commissioners, when required, shall lay an Account of their Proceedings, Transactions and Disbursements, before the General Assembly.

Commissioner appointed.

VI. *AND be it further Enacted, by the Authority aforesaid*, That the Honourable *John Rieussett*, Esq; be, and is hereby nominated and appointed a Commissioner of the Navigation for the Port of *Roanoke*.

Powder Duty in Port *Brunswick*, to be received in Proc. Money.

VII. AND whereas the Powder and Lead Duty, payable in the Port of *Brunswick*, is, by an Act of Assembly, intituled, *An Act, to enable the Commissioners of Fort* Johnston *and Fort* Granville *to finish the Forts, and to erect Barracks for accommodating the Troops in the same*, appropriated towards finishing Fort *Johnston*; and whereas the said Fort is at present well supplied with Ammunition; *Be it Enacted*,

A. D. 1758. ed, *by the Authority aforeſaid*, That from and after the paſſing of this Act, inſtead of the Powder and Lead Duty, payable in the ſaid Port of *Brunſwick*, the Receiver of the ſaid Duty ſhall receive the ſame in Proclamation Money, at the Rate of Two Shillings *per* Ton, for every Veſſel that ſhall enter the ſaid Port, for Five Years from and after the paſſing of this Act, and be intitled to Five *per Cent.* Commiſſions on ſuch Money, and no more.

CHAP. III.

Provided for by the Inferior Crt. Act, paſſed *Nov.* 1762, Chap. II.

An Act, for altering the Times for holding Courts in Northampton, Edgcomb, Granville, *and* Orange *Counties.*

CHAP. IV.

The Veſtry Act, on which this depends, repeal'd.

An Act, to confirm and eſtabliſh ſeveral Veſtries, and other Purpoſes.

CHAP. V.

An Act, for diſcontinuing the Warehouſes at Elbeck's *Landing, and erecting others in the Town of* Hallifax.

Private. I. WHEREAS the Directors for the Town of *Halliſax*, out of a Deſire of encouraging the Commerce, and ſpeedy Settlement thereof, and promoting the Navigation of the River *Roanoke*, have petitioned this Aſſembly for Leave to remove the Public Warehouſes from *Elbeck*'s Landing, and re-build them in the ſaid Town at their own Expence:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the Firſt Day of *Auguſt* next, the Public Warehouſes at *Elbeck*'s Landing in *Edgcomb* County, ſhall be diſcontinued, and ceaſe to be any longer a Place for the Public Inſpection of Tobacco.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Directors of the ſaid Town of *Halliſax*, and their Succeſſors, or a Majority of them, ſhall and may, and are hereby impowered and required, at their own proper Charge and Expence, after the ſaid Firſt Day of *Auguſt*, to remove the Public Warehouſes and Conveniences which are erected at *Elbeck*'s Landing aforeſaid, for the Inſpection of Tobacco, and re-build and place them in the ſaid Town, on or before the Tenth Day of *October* next, on one or ſome of the Lots already ſet apart for that Purpoſe by the ſaid Directors; and it ſhall be lawful for the ſaid Directors, and all and every other Perſon and Perſons, which they ſhall employ in removing and re-building the ſaid Warehouſes, to have free Ingreſs, Egreſs, and Regreſs, into the Lots and Land whereon the ſaid Warehouſes and Conveniences are now ſituate, for that Purpoſe.

IV. *AND be it further Enacted*, That the ſaid Warehouſes, from and after being re-built and placed in the Town of *Halliſax* as aforeſaid, ſhall be, and are hereby appointed Public Warehouſes, and ſhall be the proper Place for the Reception and Public Inſpection of Tobacco; and the County Court of *Edgcomb* ſhall, from Time

Time to Time, appoint Inſpectors to attend the ſame, who ſhall be under the ſame Regulations, Rules and Reſtrictions, and intitled to the ſame Salaries and Emoluments, as is by Law appointed for the Inſpectors now attending the Inſpection at *Elbeck*'s Landing aforeſaid. A. D. 1758.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Inſpectors attending at the ſaid Inſpection in the Town of *Halliſax*, out of the firſt Profits that ſhall ariſe from the Perquiſites accruing to the ſame, and Rents of the ſaid Warehouſes, ſhall pay and ſatisfy to the ſaid Directors, the Sum of Eight Pounds, Proclamation Money, for the Four Lots ſet apart in the ſaid Town for erecting Public Warehouſes on; which Money ſhall be applied by the ſaid Directors for the Improvement and Advantage of the ſaid Town.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Fee-ſimple of the ſaid Town Lots, ſhall be, and are hereby veſted in the Juſtices of the County Court of *Edgcomb*, and their Succeſſors; and the ſaid Juſtices, and their Succeſſors, ſhall have and receive all the Profits accruing from the Inſpection, and the Rents of the Warehouſes hereby eſtabliſhed thereon, to and for the Uſe of the Inhabitants of the ſaid County, in the ſame Manner that they are at preſent by Law intitled to the Profits of the Inſpection, and Rents of the Warehouſes at *Elbeck*'s Landing: And the ſaid Juſtices, and their Succeſſors, ſhall, from Time to Time, at the Expence of the ſaid Inhabitants, make ſuch Reparations and additional Buildings and Conveniences on the ſaid Lots, as ſhall be ſufficient for the Reception and Safekeeping of all Tobacco brought to the ſaid Inſpection.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That if the aforeſaid Directors ſhall refuſe or neglect to remove the Warehouſes and Conveniences from *Elbeck*'s aforeſaid, and re-build and place them on the Lots herein before mentioned, on or before the ſaid Tenth Day of *October* next enſuing; every Director ſo neglecting or refuſing, ſhall forfeit and pay to the aforeſaid Juſtices, and their Succeſſors, the Sum of Fifty Pounds, Proclamation Money, each: To be recovered with Coſts, by Action of Debt, in any of the Supreme Courts of Juſtice in this Province; and by the ſaid Juſtices, and their Succeſſors, applied towards leſſening the Levy of the ſaid County of *Edgcomb*.

CHAP. VI.

An Act, for eſtabliſhing a Town on the Land of Jonathan Phelps, *on* Perquimans *River*.

I. WHEREAS it has been repreſented to this Aſſembly, That the Land of *Jonathan Phelps*, lying on the *South-Weſt* Side of *Perquimans* River, in *Perquimans* County, where the Court-houſe and other Public Buildings are erected is a healthy, pleaſant Situation, well watered, and commodious for Commerce; and the ſaid *Jonathan Phelps* having ſignified his free Conſent, by a Certificate under his Hand and Seal, to have One Hundred Acres of the ſaid Land laid off for Town, and Fifty Acres for a Town-Common, which will greatly promote the Trade and Navigation of the ſaid River: Private.

A. D. 1758.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Directors or Truſtees hereafter appointed, or the Majority of them, ſhall, ſo ſoon as may be, after the paſſing of this Act, cauſe the ſaid One Hundred Acres of Land to be laid off in Lots of half Acres each, with convenient Streets, Lanes and Alleys, reſerving Two Acres of the ſaid Land for the Court-houſe, and other Public Buildings; which Lots ſo laid off according to the Directions of this Act, is hereby conſtituted, erected, and eſtabliſhed a Town, and ſhall be called by the Name of *Hartford*.

III. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, *John Rieuſſett*, *Joſeph Sutton*, *John Harvey*, *John Clayton*, and *Joſeph White*, be, and they, and every of them, are hereby conſtituted Directors and Truſtees, for deſigning, building, and carrying on the ſaid Town; and they ſhall ſtand ſeized of an indefeaſible Eſtate, in Fee, of the ſaid One Hundred and Fifty Acres of Land, to and for the Uſes, Intents and Purpoſes, hereby expreſſed and declared; and they, or any Three of them, ſhall have full Power and Authority, to meet, as often as they ſhall think neceſſary, and cauſe a Plan thereof to be made, and therein to inſert a Mark or Number to each Lot; and as ſoon as the ſaid Town ſhall be laid off as aforeſaid, they, and each of them, ſhall have Power to take Subſcriptions for the ſaid Lots, of ſuch Perſons as are willing to ſubſcribe for them; and when the ſaid Directors have taken Subſcriptions for One Hundred Lots, or upwards, they ſhall appoint a Day, and give Public Notice to the Subſcribers of the Day appointed for the Drawing of the ſaid Lots, which ſhall be done by Ballot, in a fair and open Manner, by the Direction, and in the Preſence, of the Majority of the ſaid Directors at leaſt; and ſuch Subſcriber ſhall be intitled to the Lot and Lots which ſhall happen to be drawn for him, and correſpond with the Mark or Number contained in the Plan of the ſaid Town: And the ſaid Directors, or a Majority of them, ſhall make and execute Deeds for granting and conveying the ſaid One Hundred Acres of Land, in half Acres as aforeſaid, to the Subſcribers, their Heirs and Aſſigns, for ever; and alſo, to every other Perſon who ſhall purchaſe any other Lot or Lots in the ſaid Town, at the Coſt and Charges of the ſaid Grantee, to whom the ſaid Lot or Lots ſhall be conveyed; and every Perſon claiming any Lot or Lots, by Virtue of any ſuch Conveyance, ſhall and may hold and enjoy the ſame in Fee-ſimple.

IV. *PROVIDED nevertheleſs*, That every Grantee of any Lot or Lots in the ſaid Town, ſo conveyed, ſhall, within Three Years next after the Date of the Conveyance for the ſame, erect, build and finiſh, on each Lot ſo conveyed, one well framed, or Brick Houſe, Sixteen Feet ſquare, at the leaſt, and Nine Feet pitch in the Clear, or proportionable to ſuch Dimenſions, if ſuch Grantee ſhall have Two or more Lots contigious; and if the Owner of any Lot or Lots ſhall fail to comply with the Directions in this Act preſcribed for building and finiſhing a Houſe thereon, then ſuch Lot or Lots, upon which ſuch Houſe ſhall not be built and finiſhed as aforeſaid, ſhall be reveſted in the ſaid Directors; and the ſaid Directors, or a Majority of them, may, and are hereby impowered and authoriſed, to ſell ſuch Lot or Lots, for the beſt Price that can be had, to any Perſon applying for the ſame; and grant and convey ſuch Lot or Lots to ſuch Perſon or Perſons, under the

the like Regulations and Reſtrictions, as the ſame was or were formerly granted; and the Money ariſing from ſuch Sales, be applied by the ſaid Directors, or a Majority of them, for the Benefit and Improvement of the ſaid Town. A. D. 1758.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That each reſpective Subſcriber who ſhall ſubſcribe for any Lot or Lots in the ſaid Town, ſhall, within one Month after it ſhall be aſcertained to whom each of the ſaid Lots doth belong, in Manner herein before mentioned, pay and ſatisfy to the ſaid Directors, or to one of them, the Sum of Forty-five Shillings Proclamation Money, for each Lot by him ſubſcribed for; and in Caſe of the Refuſal or Neglect of any Subſcriber to pay the ſaid Sum, the ſaid Directors ſhall and may commence and proſecute a Suit in their own Name for the ſame, and therein ſhall recover Judgment with Coſts of Suit; and the ſaid Directors ſhall, as ſoon as they receive the ſaid Money, pay and ſatisfy to the ſaid *Jonathan Phelps*, his Heirs or Aſſigns, the Sum of Forty Shillings, Proclamation Money, for each Lot, in full Satisfaction for the ſaid Land, and the other Five Shillings ſhall be applied towards defraying the Expence of laying of, and improving the ſaid Town, as a Majority of the Directors ſhall think proper.

V. AND for continuing the Succeſſion of the Directors until the ſaid Town ſhall be incorporated; *Be it further Enacted, by the Authority aforeſaid*, In Caſe of the Death, Refuſal to act, or Removal out of the County, of any of the ſaid Directors, the ſurviving Directors, or the Majority of them, ſhall aſſemble, and are hereby impowered, from Time to Time, by Inſtrument in Writing, under their reſpective Hands and Seals, to nominate ſome other Perſon, being a Freeholder of the ſaid Town, in the Place of him ſo dying, refuſing to act, or removing out of the County; which new Director ſo nominated and appointed, ſhall from thenceforth have the like Power and Authority, in all Things in the Matters herein contained, as if he had been expreſly named and appointed in and by this Act: And when the ſaid Town ſhall be laid off, the ſaid Directors, or a Majority of them, are hereby impowered to remove the Court-Houſe, and other Public Buildings, to a more convenient Part of the Town, which may or ſhall be laid off for that Purpoſe.

VI. *PROVIDED neverthelefs*, That the ſaid *Jonathan Phelps* ſhall have, to his own Uſe, his Dwelling-Houſe, and other Out-Houſes, with ſuch Lots as he ſhall chuſe adjoining them, not exceeding Four Lots, excluſive of the ſaid One Hundred Acres. And the Court of the ſaid County, or their Succeſſors, ſhall not have Power to appoint a Public or other Ferry at the ſaid Town, in Prejudice to the ſaid *Jonathan Phelps*, but that the keeping of the ſaid Ferry ſhall remain unto the ſaid *Jonathan Phelps*, his Heirs and Aſſigns, until he or they ſhall refuſe to comply with the Terms by Law preſcribed for erecting and keeping Public Ferries.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.

MATTHEW ROWAN, Preſident.

Mm SAMUEL SWANN, Speaker.

A. D. 1758.

ANNO REGNI GEORGII II, Regis, *Magnæ Britanniæ, Franciæ, & Hiberniæ*, Triceſſimo Secundo.

ARTH. DOBBS, Eſq; Governor.

At a General ASSEMBLY, begun and held at *Newbern*, on the Twelfth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-four, and from thence continued, by ſeveral Prorogations, to the Twenty-third Day of *November*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-eight, then held at *Edenton*; being the Seventh Seſſion of this Aſſembly.

CHAP. I.

This Act had its Effect.

An Act, for granting an Aid to his Majeſty, for placing proper Garriſons in the Forts Johnſton *and* Granville; *and for other Purpoſes.*

CHAP. II.

Repealed, and re-enacted, *Nov.* 1762, Cha. VI.

An Act, for making better Proviſion for the Clergy.

CHAP. III.

This Act under a ſuſpending Clauſe, therefore not printed, as 'tis doubtful whether it will be confirmed.

An Act, for erecting a City on Neuſe *River, upon the Plantation called* Tower-Hill, *fixing the Seat of Government therein, and building a Governor's Houſe, and Public Offices in the ſame.*

CHAP. IV.

An Act, to regulate the Inſpection of Pork, Beef, Rice, Flour, Butter, Indigo, Tar, Pitch, Turpentine, Staves, Heading, Shingles, Lumber and Deer-Skins. EXP.

CHAP.

CHAP. V.

A. D. 1758.

An Act, for encouraging the building of Public Mills; and directing the Duty of Millers.

Mills grinding for Toll, declared Public Mills.

I. BE it *Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That every Water Griſt-Mill, already built, or which ſhall hereafter be built, that hath, or ſhall at any Time grind for Toll, ſhall be held and deemed, and is hereby declared to be a Public Mill.

No Water-Mill to be built, but by Order of Court.

Manner of obtaining it.

II. *BE it further Enacted, by the Authority aforeſaid,* That it ſhall not be lawful for any Perſon or Perſons hereafter, to erect or build any Public Water Griſt-Mill, without firſt obtaining an Order of the County Court for that Purpoſe, in Manner by this Act directed; that is to ſay, Any Perſon willing to build ſuch Mill on ſome convenient Run, who hath Land on both Sides thereof, ſhall exhibit a Petition to the County Court, for Leave to build ſuch Mill; which Court is hereby impowered to examine into the Allegations of ſuch Petition, and to grant or deny ſuch Leave to the ſaid Petitioner, as to them ſhall ſeem juſt and reaſonable.

Manner of obtaining Order for building Mills where Perſons own Land on one Side of a Run only.

III. *AND be it further Enacted, by the Authority aforeſaid,* That any Perſon willing to build ſuch Mill, who hath Land only on one Side of a Run, ſhall exhibit his Petition to the County Court in Manner aforeſaid, and therein ſhew who is the Proprietor of the Land on the oppoſite Side of the Run; whereupon a Summons ſhall iſſue to ſuch Proprietor, to appear at the next Court, and anſwer the Allegations of ſuch Petition; and the Court alſo, at the ſame Time, ſhall order Four honeſt Freeholders to lay off, view, and value, on Oath, an Acre of the Land of ſuch Proprietor; and alſo an Acre of the Land of the Petitioner, oppoſite thereto, and to report their Opinion, and Proceedings thereon, to the next Court; and thereupon the Court ſhall Order the ſaid Report to be recorded; and if it take not away Houſes, Orchards, Gardens, or other immediate Conveniences, ſhall and may, and are hereby impowered and authorized, to grant Leave to the Petitioner, or ſuch Proprietor, to erect ſuch Mill at the Place propoſed, as in their Diſcretion ſhall ſeem reaſonable; and to order the Coſts of ſuch Petition to be paid by the Perſon to whom ſuch Leave ſhall be granted.

Valuation Money to be paid down in Court.

IV. *PROVIDED always,* That the Perſon to whom ſuch Leave is granted, ſhall pay down, in Court, for the Acre of Land he ſhall obtain thereby, the Valuation Money; and procure a Record to be made thereof; which ſhall be a good and effectual Seiſen in Law, to create to ſuch Perſon, his Heirs and Aſſigns, a Fee-ſimple in ſuch Acre of Land.

No Mill to be built ſo as to overflow another.

V. *PROVIDED neverthelefs,* That it ſhall not be lawful for any Court to grant Leave to any Perſon to erect a Mill within Two Miles above, and Two Miles below, or ſo as to overflow any other Mill erected on the ſame Run: Any Thing herein contained to the contrary notwithſtanding.

Time of beginning to build, and finiſhing ſuch Mills.

VI. *PROVIDED alſo,* That the Perſon ſo being ſeiſed ſhall, within One Year, begin to build a Water-Mill, and finiſh the ſame within Three Years; and ſhall

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ſhall thereafter keep up the ſame for the Uſe and Eaſe of all ſuch as ſhall be Cuſtomers to it, otherwiſe the ſaid Land ſhall return to the Perſon from whom it was taken, or to ſuch other Perſons as ſhall have his Right; unleſs the Time for finiſhing the ſame, for Reaſons ſhewn to, and approved of by the Court, be enlarged.

Time allowed Feme Coverts, &c.

VII. *PROVIDED likewiſe*, That if any Water-Mill belonging to any Perſon within the Age of Twenty One Years, Feme Covert, *Non compos mentis*, or Impriſoned, be let fall, burnt, or deſtroyed, that then ſuch Perſon or Perſons, and their Heir or Heirs, ſhall have Three Years to rebuild and repair ſuch Mill, after his or their full Age, Diſcoverture, coming of ſound Mind, or Enlargement out of Priſon.

Perſons agrieved by the Order of any C. Court, may appeal to the Supreme Court of the Diſtrict.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon ſhall think himſelf aggrieved by the Order or Determination of the County Court, he may appeal therefrom to the next Supreme Court of Juſtice, *Oyer* and *Terminer*, and General Goal Delivery, for the Diſtrict in which the ſaid Land doth lie, giving Bond and Security as uſual; which Court ſhall, and is hereby authoriſed and impowered, to take Cognizance of the ſame, and to affirm ſuch Order, or reverſe the ſame, and to give ſuch Judgment therein as the County Court ought to have rendered.

Perſons who have built Mills in Virtue of any Order of Court, & complied with the Conditions, quieted in the Poſſeſſion of ſuch Mill.

IX. AND whereas it hath heretofore frequently happened, that a Perſon deſirous of building a Water-Mill, and having Land on one Side of a Run only, hath, by Order of the County Court, obtained an Acre of the Land on the oppoſite Side of the Run for that Purpoſe, which Order is held not to be warranted by the Laws now in Force: For quieting the Owners of ſuch Mills in the peaceable Poſſeſſion thereof; *Be it further Enacted, by the Authority aforeſaid*, That every Perſon who hath built any ſuch Mill in Conſequence of any ſuch Order, and hath actually paid the Money according to the Valuation of ſuch Acre of Land, ſhall be, and is hereby declared to ſtand ſeiſed thereof, to him, his Heirs and Aſſigns, in Fee-ſimple, in the ſame Manner, and under the ſame Reſtrictions, Limitations, and Conditions, as if the ſame had been originally granted by Virtue of the Powers and Authorities of this Act.

Owners of Mills injured by the building other Mills, may have their Action for Damages.

X. *PROVIDED alſo*, That where any Owner or Owners of a Mill already built, or that ſhall hereafter be built, ſhall conceive himſelf injured by the building of any other Water-Mill by any Perſon or Perſons on the ſame Stream, it ſhall and may be lawful for the Party injured, to bring his Action on the Caſe againſt the Owner or Owners of ſuch latter built Mill, in the ſame Manner as he might have done before the paſſing of this Act: Any Thing herein contained to the contrary, in anywiſe, notwithſtanding.

Millers to grind according to Turn, and what Toll they are to take.

XI. AND to prevent Abuſes by evil-minded, covetuous, and exacting Millers, or Owners of Mills; *Be it Enacted, by the Authority aforeſaid*, That all Millers ſhall grind according to Turn; and ſhall well and ſufficiently grind the Grain brought to their Mills, if Water will permit; and ſhall take no more Toll for grinding, than One Eighth Part of the Wheat, and One Sixth Part of the *Indian* Corn: And every

every Miller, or Keeper of a Mill, making Default herein, *viz.* Not grinding according to Turn; not well and ſufficiently grinding the Grain, if Water will permit as aforeſaid; or exacting or taking more Toll than herein is ſet down and allowed, ſhall, for every ſuch Offence, forfeit and pay Fifteen Shillings, Proclamation Money, to the Party injured; to be recovered before a Juſtice of the Peace of the County wherein ſuch Offence is committed, with Coſts. *A. D.* 1758. Penalty for Default.

XII. *PROVIDED always*, That it ſhall be in the Power of the Owner of any ſuch Mill to grind, or cauſe to be ground, his own Grain, at any Time he thinks fit: Any Thing in this Act to the contrary, notwithſtanding. Owner to grind his own Grain at at any Time.

XIII. AND for the better Diſcovery of ſuch exacting Millers; *Be it Enacted, by the Authority aforeſaid, and it is hereby Enacted*, That all Millers ſhall keep in their Mills the following Meaſures, *viz.* An Half Buſhel, and Peck, tried and ſtamped by the Keeper of the Standard of the County wherein ſuch Mill is; and Two Toll-Diſhes for each Meaſure; one for Wheat, that ſhall not hold more than one Eighth Part of each Meaſure; and one for *Indian* Corn, that ſhall not hold more than one Sixth Part of each Meaſure: And every Owner by himſelf, Servant or Slave, keeping any Mill, and ſhall be lawfully convicted of keeping falſe Toll-Diſhes, contrary to the Intent and Meaning of this Act, ſhall forfeit and pay the Party injured, Fifteen Shillings, Proclamation Money, to be recovered by a Warrant from a Juſtice of the Peace as aforeſaid: And if in Caſe ſuch a Miller is a free Perſon, and keeps ſuch a Mill for a Share, or for Hire, and is guilty of any of the above Offences, it ſhall be lawful for the Owner to ſtop ſo much of his Share or Hire as will be ſufficient to reimburſe himſelf for ſuch Fine or Fines as he ſhall become anſwerable for, with all the Charges that ſhall become due thereon. What Meaſures they are to keep in their Mills. Penalty for keeping falſe Meaſures.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That all other Act or Acts, heretofore made, as far as they relate to Public Mills, are hereby from henceforth repealed, and made null and void. Repealing Clauſe.

CHAP. VI.

An Act, for eſtabliſhing a Warehouſe, for the Inſpection of Tobacco, on the Land of Thomas Barnes, *in the County of* Halifax; *and other Purpoſes.*

I. WHEREAS eſtabliſhing a Public Inſpection for Tobacco on *Roanoke* River, on the Land of *Thomas Barnes*, will be of Advantage to many Planters in the County of *Halifax*: Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Juſtices of the ſaid County, before the Twentieth Day of *October* next enſuing, ſhall, and are hereby impowered and directed, to build and erect, or cauſe to be built and erected, on the Land of *Thomas Barnes*, on *Roanoke* River, a Warehouſe, and other Conveniences, fit and neceſſary for the Reception, Inſpection, and Safe-keeping of all ſuch Tobacco as ſhall be brought to the ſame; and the ſaid Warehouſe when ſo erected, ſhall and is hereby declared to be a Public Warehouſe. Warehouſe to be built on the Land of *Thomas Barnes*.

A. D. 1758.

To be under one Inſpection with the Warehouſe at *Kehuky*.

III. *AND be it further Enacted*, That the ſaid Warehouſe, and the Warehouſe at *Kehuky*, ſhall be under one Inſpection; and the Juſtices of the ſaid County ſhall, and are hereby impowered and directed, at the Time of appointing Inſpectors for the ſaid Inſpections, to direct and order how the ſaid Inſpectors ſhall give their Attendance at the ſaid Warehouſes reſpectively.

Inſpectors Salary at *Pitch Landing*.

IV. AND whereas the Allowance by Law made to the Inſpectors attending the Inſpection at *Pitch Landing*, in *Northampton* County, is more than an Equivalent for the Service they perform; *Be it further Enacted, by the Authority aforeſaid*, That the ſaid Inſpectors reſpectively ſhall be allowed the Salary of Twelve Pounds *per Annum*, and no more; any Law to the contrary notwithſtanding.

Inſpectors allowed 2 *ſ.* for every Hogſhead of re-prized Tobacco.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Inſpectors at each Public Inſpection of Tobacco in this Province, ſhall be allowed, to their own proper Uſe, the Sum of Two Shillings Proclamation Money, for every Hogſhead of Tobacco re-prized or paid away in Diſcharge of Transfer Notes, out of the Five Shillings appointed by Law to be paid by the Perſon receiving the ſame; any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

CHAP. VII.

An additional Act to an Act, intituled, An Act concerning Servants and Slaves.

Preamble.

I. WHEREAS many great Charges have ariſen to the Province by Puniſhment of Slaves, who having Liberty from their Owners to hire themſelves out, and have committed Robberies; by the Importation of Slaves from Foreign Parts, for Crimes by them committed; by the Condemnation of Slaves to Death for Capital Crimes, for Want of a Puniſhment adequate to the Crimes they have been guilty of; and by the high Valuation of Slaves condemned to Death, or killed by Virtue of an Outlawry:

Maſters permitting Slaves to hire themſelves out, not to be allowed for them, ſhould they be puniſhed for any Crime.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That no Perſon who ſhall permit any Slave to hire himſelf or herſelf out, ſhall be intitled to receive any Pay from the Public, ſhould they be puniſhed for any Crimes by them committed during the Time of ſuch Permiſſion: Any Uſage or Cuſtom to the contrary, notwithſtanding.

Perſons knowingly purchaſing Slaves tranſported for Crimes committed abroad, not to be allowed for them if puniſhed for Crimes here.

III. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon hereafter purchaſing any Slave, tranſported for Crimes from Foreign Parts into this Province, ſhall be intitled to receive any Payment from the Public, ſhould ſuch Slave afterwards be convicted and puniſhed for any Crimes committed within this Province; unleſs he firſt make Oath, in the Court appointed for trying ſuch Slave, that he did not, at the Time of his purchaſing, know that ſuch Slave had been tranſported here for any Crimes committed in Foreign Parts.

Penalty on Slaves commit. Crimes.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That no male Slave ſhall, for the firſt Offence, be condemned to Death, unleſs for Murder or Rape; but

but for every other Capital Crime, ſhall, for the firſt Offence, ſuffer Caſtration; which Puniſhment every Court trying ſuch Slave, ſhall be impowered, and are hereby directed to cauſe to be inflicted; and the Sheriff ſhall cauſe ſuch Judgment to be duly executed; for which he ſhall have and receive, from the Public, Twenty Shillings, Proclamation Money, and no more; any Uſage or Cuſtom to the contrary, notwithſtanding.

Sheriff allowed 20*ſ.* for Caſtration.

V. *PROVIDED always*, That ſuch Slave be valued by the Court trying him, in the uſual Manner, that in Caſe Death ſhould enſue, the Owner might be paid by the Public; and that the Sum of Three Pounds, Proclamation Money, ſhall be allowed and paid by the Public, to defray the Expence of the Cure of each Slave caſtrated.

To be valued in the uſual Manner, and 3 *l.* allowed the Sheriff for the Cure.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That there ſhall not be allowed by the Public to the Owner of any Slave which ſhall hereafter happen to be convicted of any Capital Offence, killed on Outlawry, or in being apprehended when run away, more than the Sum of Sixty Pounds, Proclamation Money; any Law or Cuſtom to the contrary, notwithſtanding.

Not to be valued to above 60 *l.*

CHAP. VIII.

An Act, for altering the Method of working on the Roads, and appointing Public Ferries within the Counties of Craven, Carteret, Johnſton, Beaufort, Orange, *and* Onſlow.

Repealed

I. WHEREAS the preſent Method of working on the Roads, and appointing Public Ferries, within the Counties of *Craven*, *Carteret*, *Johnſton*, *Beaufort*, *Onſlow* and *Orange*, is found inconvenient, and not ſo agreeable to the Inhabitants of the ſaid Counties as the Method preſcribed by an Act of Aſſembly, paſſed at *Newbern*, in the Year of our Lord One Thouſand Seven and Fifty Six, intituled, "An Act, for eſtabliſhing Public Roads and Ferries; and for the better "Regulation of the ſame in ſeveral Counties."

Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, the Method of working on Public Roads, and appointing Public Ferries, within the ſaid Counties of *Craven*, *Carteret*, *Johnſton*, *Beaufort*, *Onſlow*, and *Orange*, ſhall be in the ſame Manner, and under the ſame Regulations and Reſtrictions, as is directed for the ſeveral Counties mentioned in an Act of Aſſembly, paſſed at *Newbern*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Six, intituled, "An Act, for eſtabliſhing "Public Roads and Ferries; and for the better Regulation of the ſame in ſeveral Counties;" and that the ſaid Act, and every Clauſe and Article thereof, be of as full Force and Efficacy, to all Intents and Purpoſes, within the ſaid Counties of *Craven*, *Carteret*, *Johnſton*, *Beaufort*, *Onſlow*, and *Orange*, as it is in the ſeveral Counties particularly mentioned in the ſaid Act; any Act of Aſſembly to the contrary notwithſtanding.

Method of working on Roads and appointing Ferries.

III. *AND*

A. D. 1758. Acts repealed.

III. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Clauſe and Clauſes in one Act of Aſſembly made and paſſed in the Year of our Lord One Thouſand Seven Hundred and Forty Five, intituled, "An Act, for impowering the ſeveral Commiſſioners herein after named, to make, mend, and repair, all Roads, Bridges, Cuts and Water-Courſes, already laid out, or hereafter to be laid out, in the ſeveral Counties and Diſtricts herein after appointed, in ſuch Manner as they judge moſt uſeful to the Public;" and alſo, one Act of Aſſembly paſſed in the Year of our Lord One Thouſand Seven Hundred and Fifty Two, intituled, "An Act, for dividing Part of *Granville*, *Johnſton*, and *Bladen* Counties, into a County and Pariſh, by the Name of *Orange* County, and the Pariſh of St. *Matthew*; and for appointing Veſtrymen for the ſaid Pariſh; and other Purpoſes therein mentioned;" and alſo, one other Act of Aſſembly made and paſſed in the Year of our Lord One Thouſand Seven Hundred and Fifty Six, intituled, "An Act, to amend an Act, for impowering the ſeveral Commiſſioners therein after named, to make, mend, and repair, all Roads, Bridges, Cuts, and Water-Courſes, already laid out, or hereafter to be laid out, in the ſeveral Counties and Diſtricts therein after to be appointed, in ſuch Manner as they judge moſt uſeful to the Public; and other Purpoſes," ſo far as relates to the ſaid Counties of *Craven*, *Carteret*, *Johnſton*, *Beaufort*, *Onſlow*, and *Orange*, is, and are hereby repealed, and for the future made void.

CHAP. IX.

An Act, for appointing a proper Place for holding the Supreme Court of Juſtice, Oyer *and* Terminer, *and General Goal Delivery, for the Diſtrict of* Northampton, Edgcomb, *and* Granville.

Preamble.

I. WHEREAS it hath been repreſented to the Aſſembly by the Inhabitants of *Northampton*, *Edgcomb* and *Granville*, that *Enfield*, the Place where the Supreme Court of Juſtice, *Oyer* and *Terminer*, and General Goal Delivery for the ſaid Counties, have been uſually held, is not central to the ſaid Diſtrict; and that the Juſtices of the ſaid Court, and the Officers, Suitors, Jurors, and others, whoſe Attendance at the ſame is by Law required, is ſubject to great Hardſhips and Inconveniences, for Want of proper Accommodation and Entertainment: For Remedy whereof,

Supreme Court to be held at *Halifax*.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the Tenth Day of *October* next, the ſaid Court ſhall be conſtantly held for the ſaid Diſtrict, on the Days and Times by Law appointed, in the Town of *Hallifax*, and not at *Enfield* aforeſaid; any Law, Uſage or Cuſtom to the contrary, notwithſtanding.

All Proceſs to be made returnable there.

III. *AND be it further Enacted*, That after the aforeſaid Tenth Day of *October*, all Appearances, and Returns of Proceſs, ſhall be made to the ſaid Court in the Town of *Hallifax* aforeſaid: And all Recognizances, Bonds and Obligations for Appearances; and all Writs, Summonſes for Witneſſes, and other Proceſs, as valid and effectual, as if the ſaid Place had been expreſly mentioned therein; and all Suitors, Witneſſes, and others, whoſe Attendance is required at the ſaid Court, ſhall

ſhall appear thereat in the Town of *Halliſax* aforeſaid, under the ſame Rules and Regulations, and ſubject to the like Pains and Penalties for Default therein, as they ſhould or would have been ſubject or liable to, if the ſaid Court had continued to be held at *Enfield*.

Public Buildings to be built at *Halifax*.

IV. AND whereas it will be neceſſary to erect a Court-houſe, Priſon, Pillory, Stocks, and Clerk's Office, in the Town of *Halliſax* aforeſaid, for holding the ſaid Court, and the Detention and Puniſhment of Offenders; *Be it further Enacted, by the Authority aforeſaid*, That the Directors and Truſtees of the Town of *Halliſax*, be, and are hereby impowered and required, to remove the Priſon, Pillory, Stocks, and Clerk's Office, which are erected at *Enfield* aforeſaid, and re-build and place the ſame in the ſaid Town, or to erect and build others therein, together with a Court-houſe, as to them, or the Majority of them, ſhall ſeem moſt convenient; and they, or the Majority of them, ſhall and may, and are hereby impowered and required, to contract and agree with an Undertaker or Undertakers to perform the ſame; and to take Bond and Security for ſuch Performance.

Money appropriated for that Purpoſe.

V. AND for enabling ſuch Commiſſioners to diſcharge Contracts as they ſhall enter into for the Purpoſes aforeſaid; *Be it further Enacted, by the Authority aforeſaid*, That the Sum of One Hundred and Thirty-four Pounds Nine Shillings and Four Pence Three Farthings, Proclamation Money, now in the Hands of *Robert Jones*, Jun. and belonging to the ſaid Counties of *Northampton*, *Edgcomb*, and *Granville*, ſhall be by him paid into the Hands of the ſaid Truſtees and Directors, and by them applied for the Purpoſes aforeſaid; any Law to the contrary notwithſtanding.

Tax of 6 d. laid for the ſame.

VI. *BE it further Enacted, by the Authority aforeſaid*, That a Poll-Tax of Six Pence be levied on each taxable Perſon in the aforeſaid Counties of *Northampton* and *Edgcomb*, to be collected for the preſent Year by the ſaid Sheriffs reſpectively, and accounted for and paid to the ſaid Truſtees and Directors; at the ſame Time, and in ſuch Manner, and under the like Penalties, as by Law directed for the collecting, accounting for, and paying Public Taxes.

Sheriff of *Granville* to pay Money levied by Miſtake in *Granville*, to the Directors of *Halifax*.

VII. AND whereas *William Johnſon*, late Sheriff of the County of *Granville* aforeſaid, did, through Miſtake, levy on the taxable Perſons in the ſaid County, for the Year One Thouſand Seven Hundred and Fifty-ſeven, the Sum of Six Pence, Proclamation Money, each, towards erecting, at *Enfield* aforeſaid, a Clerk's Office, and Priſon; *Be it further Enacted, by the Authority aforeſaid*, That the ſaid *William Johnſon* ſhall pay the ſaid Money by him ſo collected to the ſaid Directors and Truſtees; and in Caſe of his Refuſal or Neglect, ſhall or may be compelled thereto by a Judgment of the aforeſaid Court, on Motion of the ſaid Truſtees and Directors; provided that the ſaid *William Johnſon* have Ten Days previous Notice of ſuch Motion.

And Appropriated for erecting Public Buildings.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Truſtees and Directors ſhall apply the aforeſaid Monies, and ſuch other Sum or Sums as they ſhall obtain, by voluntarily Donation of Gentlemen, or otherwiſe, to-

A. D. 1758. wards building a Court-houſe, removing and re-building the Priſon, Pillory, Stocks, and Clerk's Office, now at *Enfield*, into the Town of *Halliſax* aforeſaid; or in erecting or building in the ſame, others for the Uſe of the Supreme Court of Juſtice, *Oyer* and *Terminer*, and General Goal Delivery, for the ſaid Diſtrict, as to the ſaid Commiſſioners and Directors ſhall ſeem moſt convenient.

County Court of *Edgcomb* removed to *Halifax*, Juſtices to have Power to ſit in the Supreme Court-houſe, &c.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That if it ſhould hereafter be thought neceſſary to remove the Court of *Edgcomb* County from *Enfield*, the Place where it is now held, into the Town of *Halliſax* aforeſaid, the Juſtices of the ſaid County ſhall and may, and are hereby declared to have full Power and Authority to hold a Court for the ſaid County, from Time to Time, in the Court-houſe to be erected for the Supreme Court of Juſtice, *Oyer* and *Terminer*, and General Goal Delivery, for the ſaid Diſtrict; and to have the Uſe of the Priſon and Stocks to be built for the ſame, in as free and ample Manner, to all Intents and Purpoſes, as if the ſame had been erected and built at the particular Expence of the ſaid County; and the Inhabitants of the ſaid County ſhall not be compelled or obliged to pay any further or other Sums towards repairing or rebuilding the aforeſaid Court-houſe, Priſon, Pillory or Stocks, than what is herein before directed, or ſhall hereafter be by Law appointed; any Thing herein contained, or any Law to the contrary thereof, notwithſtanding.

CHAP. X.

An Act, for regulating Ordinaries, and Houſes of Entertainment; and for other Purpoſes.

Preamble.

I. WHEREAS the Laws at preſent in Force, have been found ineffectual for the due Regulation of Ordinaries, and Reſtraint of Tippling-Houſes;

Liquors to be ſold by ſealed Meaſures.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That all Perſons hereafter retailing Liquors, ſhall ſell the ſame by ſealed Meaſures, according to the Directions of an Act of Aſſembly, intituled, *An Act, for regulating Weights and Meaſures*: Provided, That it ſhall and may be lawful for Ordinary-keepers, licenſed agreeable to the Directions of this Act, to ſell Liquors in Bottles, Bowls or Mugs, ſo as they ſell for no more than the Quantity the ſaid Veſſels contain.

None but Ordinary-keepers to retail Liquors in ſmall Quantities.

III. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon not having a Licenſe for keeping an Ordinary, ſhall ſell or retail Liquors in ſmaller Quantities than is by this Act permitted, under the Penalty of Five Pounds, Proclamation Money; one Half to the Governor or Commander in Chief for the Time being, and the other Half to the Informer.

County C. may grant Licenſe to proper Perſons for keeping Ordinaries.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That any Perſon by applying to the Court of the County in which ſuch Perſon dwells, and praying a Licenſe to keep an Ordinary, may, at the Direction of ſuch Court, be ordered to

to have a Licenſe for the Purpoſe aforeſaid; unleſs it ſhall appear to the ſaid Court, that the Perſon ſo applying is a Perſon of groſs Immorality, of ſuch poor Circumſtances, and ſlender Credit, that they think it will not be poſſible for him or her to comply with the Intention of this Act, or uſually ſuffers exceſſive or unlawful Gaming in his or her Houſe; and on granting ſuch Licenſe, the Perſon who applies for the ſame, ſhall produce one or more Perſons Securities to the ſaid Court, to be by them approved; who ſhall, before the Licenſe be made out, join with him or her in a Bond, of the following Tenor; *to wit*,

Bond to be given by them.

KNOW all Men by theſe Preſents, That we A. B. *and* C. D. *are held and firmly bound unto Governor and Commander in Chief, in and over the Province of* North-Corolina, *in the Sum of Thirty Pounds, Proclamation Money, to be paid to the ſaid or his Succeſſors: To the which Payment well and truly to be made, we bind ourſelves, and every of us, our, and every of our Heirs, Executors, and Adminiſtrators, jointly and ſeverally, firmly by theſe Preſents. Sealed with our Seals, and dated the Day of*

Condition.

THE Condition of this Obligation is ſuch, That whereas the ſaid *A. B.* hath obtained a Licenſe to keep an Ordinary at If therefore the ſaid *A. B.* doth conſtantly find and provide in his or her ſaid Ordinary, good wholeſome and clean Diet and Lodging for Travellers; and Stable, Fodder and Corn, or Paſturage and Corn, as the Seaſon ſhall require, for their Horſes, for and during the Term of One Year, from the Day of and ſhall not ſuffer unlawful Gaming in his or her Houſe, nor ſell Liquors on the Lord's-Day to any Perſon, by which ſuch Perſon may be intoxicated; then this Obligation to be void; otherwiſe to remain in Force.

Which may be ſued for Breach of the Condition.

And in Caſe of a Breach of, or not complying with the Condition of ſaid Bond, it ſhall and may be lawful for any Perſon, in the Name of the Governor, to ſue and recover the Penalty of the ſaid Bond; and apply one Half thereof to his own Uſe, and the other Half to the Uſe of the Pariſh where the Cauſe of Action ſhall ariſe.

Clerk of the C. to iſſue Licenſe.

V. *AND be it further Enacted, by the Authority aforeſaid*, That when ſuch Bond ſhall have been given, the Clerk of the Court ſhall prepare a Licenſe, and ſign the ſame; which Licenſe ſhall continue in Force One Year, and no longer; for which Twenty Shillings ſhall be paid to the Governor or Commander in Chief for the Time being; and the Clerk ſhall receive, to his own Uſe, for the Licenſe, Order of Court, and Bond, Five Shillings.

Fee for the ſame.

Ordinary-keepers ſuffering Perſons on the Lord's Day to get drunk in their Houſes, &c. may be ſuſpended.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Ordinary-keeper ſhall ſell to any Perſon, in his or her Houſe, immoderate Quantities of ſtrong Liquors, whereby ſuch Perſon may be intoxicated on the Lord's Day; or entertain Servants and Slaves againſt the Will of their Maſters or Miſtreſſes; or common Sailors, againſt the Direction of the Maſters of Veſſels to which they belong; every Ordinary-keeper ſo offending, ſhall and may, by Order of Two Juſtices, before whom ſuch Offence ſhall be proved, be, from thenceforth, ſuſpended and diſabled from keeping an Ordinary, as if he or ſhe had never obtained a Licenſe for that Purpoſe.

VII. *PRO-*

A. D. 1758.

May be heard & reſtored by next ſucceeding County Court.

VII. *PROVIDED nevertheleſs*, That ſuch Ordinary-keeper may be heard by the next, or any ſucceeding County Court; who, if they think proper, may reſtore ſuch Ordinary-keeper, by granting him a new Licenſe.

Pen. for ſelling Liquors before being reſtored.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That any Perſon which (after being ſuſpended and diſabled from keeping an Ordinary according to the Directions of this Act,) ſhall ſell or retail Liquors until he or ſhe ſhall obtain another Licenſe for ſuch Purpoſe, ſhall be liable to the ſame Penalties as if a Licenſe never had been granted to him or her.

Juſtices to Rate Liquors, Diet, &c. annually; and Ordinary-keepers to ſet up ſuch Rates in their Houſes, on Penalty of 5 *l.*

Clerk's Fee 2s 6d.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of each County, annually, at the next County Court after the Firſt Day of *May*, ſhall rate the Prices of Liquors, Diet, Lodging, Fodder, Corn, Provender, and Paſturage, to be taken by Ordinary-keepers; and every Ordinary-keeper ſhall, within One Month after the Rates ſhall be ſet by the County Court where his or her Licenſe ſhall be granted, obtain of the Clerk a fair Copy of ſuch Rates; for which the Clerk may take and receive Two Shillings and Six-pence, Proclamation Money, and no more; which Copy ſhall be openly ſet up in the common entertaining Room of ſuch Ordinary, and there kept till the Rates are again altered; and every Ordinary-keeper failing herein, ſhall forfeit Five Pounds Proclamation Money.

Pen. for taking greater Prices than allowed by the Rates.

X. *AND be it further Enacted, by the Authority aforeſaid*, That every Ordinary-keeper who ſhall aſk, demand, or receive, a greater Price for any Drink, Diet, Lodging, Fodder, Provender, Corn, or Paſturage, than ſhall be rated by the Juſtices, according to the Direction of this Act, ſhall forfeit Ten Shillings; to be recovered by the Informer, to his own Uſe, by a Warrant from a Juſtice of the Peace of the County where ſuch Offence ſhall be committed.

Not to truſt Sailors, without Leave of their Captain;

Nor any Perſon, above 5 *l.*

XI. *AND be it further Enacted, by the Authority aforeſaid*, That no Ordinary-keeper ſhall ſell, on Credit, Liquors to any common Sailor, without Leave of the Maſter of the Ship or Veſſel to which he belongs; under the Penalty of looſing the Money which otherwiſe he or ſhe might recover for the Liquors ſo ſold on Credit to ſuch Sailor; nor ſell Drink, upon Credit, to any other Perſon, to a greater Sum than Five Pounds; unleſs the Perſon ſo credited ſhall ſign a Book, in Acknowledgment of the ſaid Debt; under the Penalty of looſing the Money ſo credited; and in any Action brought for Recovery of ſuch Debt, the General Iſſue may be pleaded, and this Act given in Evidence.

Fines and Penalties how recovered and applied.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That all Penalties, Fines and Forfeitures in this Act, the Method of recovering or applying whereof are not herein particularly directed, ſhall be, one Half to the Churchwardens and Veſtry of the Pariſh where ſuch Fine is incurred, for the Uſe of the Pariſh, and the other Half to him or them that ſhall ſue for the ſame: To be recovered with Coſts, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province; wherein no Eſſoign, Protection, or Wager of Law, ſhall be admitted of.

XIII. *PRO-*

A. D. 1758.

XIII. *PROVIDED always*, That nothing herein contained, ſhall be conſtrued, deemed or taken, to prohibit or reſtrain any Merchant, or other Perſon, to ſell by retail, Wine, Brandy, Rum, or other Spirits, in any Quantity, not leſs than a Quart; or Ale, Beer, or Cyder, in any Quantity, not leſs than a Gallon; if none of the ſaid Liquors are allowed to be tippled or drank out at the Houſe, Stores, or Plantations where the ſame are ſold.

Not to hinder Merchants from retailing Liquors in ſmall Quantities, if not tippled in their Houſes.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Act and Acts, and every Clauſe and Article thereof heretofore made, ſo far as relates to regulating Ordinaries, and Reſtraint of tippling Houſes; or to any other Matter or Thing whatſoever within the Purview of this Act, is, and are hereby repealed and made void, to all Intents and Purpoſes.

Repealing Clauſe.

CHAP. XI.

An Act, to make Proviſion for paying the Chief Juſtice and Attorney-General's Salaries; and defraying the Contingent Charges of Government.

I. WHEREAS there is not at preſent a ſufficient Fund for paying the Salaries of the Chief Juſtice, and Attorney General, for attending the Supreme Courts of Juſtice; nor a ſufficient Proviſion for diſcharging the Allowance made to the Members of his Majeſty's Council, and the Members of Aſſembly:

Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That an annual Poll-Tax, of One Shilling and Six Pence, Proclamation Money, be levied on each taxable Perſon within this Province, for and during the Space of Four Years, from and after the Tenth Day of *June* next; and from thence to the End of the next Seſſion of Aſſembly, and no longer: Which Tax ſhall be collected, accounted for, and paid as Public Taxes by Law are payable; and ſhall, by the Sherifs, be paid to the Treaſurers of the reſpective Diſtricts, by the Tenth Day of *June*, in each Year, during the Continuance of this Act; under the like Penalties as are inflicted on Sherifs for not accounting for, and paying Public Taxes.

Tax of 1 s. 6 d. laid.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Tax ſhall be applied to pay the Salaries to the Chief Juſtice, and Attorney-General; and to paying the Claims of Perſons to whom the Public is, or ſhall be indebted; and for the Allowance to the Members of his Majeſty's Council; and the Members of Aſſembly, for their Services, in attending General Aſſemblies; and towards defraying other contingent Charges of Government.

Appropriated.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That all Public Taxes ſhall, annually, be paid to the Sherifs of each reſpective County, and by them paid to the reſpective Treaſurers, on or before the Tenth Day of *June*, in each Year: Any Law or Uſage to the contrary, notwithſtanding.

Public Taxes to be paid the Treaſurers by 10th of *June* in each Year.

A. D. 1758.

CHAP. XII.

An Act, for dividing the County of Johnſton; *and other Purpoſes.*

Private.

I. WHEREAS the large Extent of the County of *Johnſton*, renders it grievous and burthenſome to many of the Inhabitants thereof, to attend the Courts and General Muſters, and other Public Meetings appointed therein;

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the Tenth Day of *April* next, the ſaid County be divided, by the dividing Line between the Pariſh of *St. Patrick*, and the Pariſh of *St. Stephen*; and that that Part of the ſaid County which is now the Pariſh of *St. Stephen*, remain, be called, and known by the Name of *Johnſton*; and that that Part of the ſaid County which is the Pariſh of *St. Patrick*, be thenceforth erected into a diſtinct County; and called and known by the Name of *Dobbs*.

III. AND for the due Adminiſtration of Juſtice; *Be it further Enacted, by the Authority aforeſaid*, That after the aforeſaid Tenth Day of *April*, a Court for the aforeſaid County of *Johnſton*, be conſtantly held by the Juſtices thereof, at a Place called *Hinton*'s *Quarter*, on the *South* Side of *Neuſe* River, upon the laſt *Tueſdays* in *January*, *April*, *July*, and *October*: * And alſo, that a Court for the ſaid County of *Dobbs*, be conſtantly held by the Juſtices thereof, at the Court-houſe on *Walnut* Creek, upon the firſt *Tueſdays* in *February*, *May*, *Auguſt*, and *November*, every Year, as by the Laws of this Province is provided, and ſhall be, by Commiſſion to the Juſtices of the ſaid Counties, reſpectively, directed.

* Altered by the Inferior Court Act, paſſed *Nov.* 1762, Ch. II.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Sheriff of the ſaid County of *Johnſton*, as the ſame ſtands now undivided, to make Diſtreſs for any Levies, Fees, or other Dues, that ſhall be due from the Inhabitants of the ſaid County, on the ſaid Tenth Day of *April*, in the ſame Manner as by Law the ſaid Sheriff could or might have done if the ſaid County had remained undivided; and the ſaid Levies, Fees, and other Dues, ſhall be collected and accounted for, in the ſame Manner as if this Act had never been made; any Thing herein contained to the contrary notwithſtanding.

V. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſaid Tenth Day of *April*, the ſaid County of *Dobbs* ſhall be, continue, and remain Part of the Diſtrict of the Supreme Court of Juſtice, Over and Terminer, and General Goal Delivery, uſually held for the Counties of *Craven*, Carteret, *Johnſton*, *Beaufort* and *Hyde*: And the Sheriff or Collector of the ſaid County of *Dobbs*, ſhall, from Time to Time, account for and pay to the Public Treaſurer for the *Southern* Diſtrict of this Province for the Time being, all Public Duties by him collected, or wherewith he ſhall ſtand chargeable, in the ſame Manner and under the like Pains and Penalties as other Sherifs.

VI. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed

deemed or taken, to alter or derogate from the Right and royal Prerogative of his Majeſty, his Heirs and Succeſſors, of granting Letters of Incorporation to the ſaid Counties, of ordering, appointing, and directing the Election of a Member or Members, to repreſent them in Aſſembly; and of granting Markets and Fairs, to be kept and held in them reſpectively: But that the ſaid Right and Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his ſaid Majeſty, his Heirs and Succeſſors, in as full and ample Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made. *A. D.* 1758.

VII. AND for eſtabliſhing Roads and Ferries, and for the better Regulation of the ſame in the ſaid County of *Dobbs*; *Be it Enacted, by the Authority aforeſaid*, That one Act of Aſſembly of this Province, made and paſſed in the Year of our Lord One Thouſand Seven Hundred and Fifty-ſix, intituled, *An Act, for eſtabliſhing Public Roads and Ferries, and for the better Regulation of the ſame in ſeveral Counties*; and every Clauſe and Article therein, ſhall extend to the ſaid County of *Dobbs*, and be in full Force within the ſame, to all Intents and Purpoſes as if the ſaid County had been particularly mentioned in the ſaid Act.

CHAP. XIII.

An Act, for dividing Edgcomb *County.*

Private.

I. WHEREAS divers Inconveniences attend the Inhabitants of *Edgcomb* County, by Reaſon of the large Extent thereof, and the great Diſtance that many of them live from the Court-houſe, and other Places uſually appointed for Public Meetings;

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and immediately after the Firſt Day of *January* next enſuing, the ſaid County of *Edgcomb* be divided, by the dividing Line between the Pariſh of *Edgcomb* and the Pariſh of St. *Mary*; and that that Part of the ſaid County which is now the Pariſh of St. *Mary*, remain, be called, and known by the Name of *Edgcomb* County; and that that Part of the ſaid County which is now the Pariſh of *Edgcomb*, be thenceforth erected into one diſtinct County, and called and known by the Name of *Halifax*.

III. AND for the due Adminiſtration of Juſtice; *Be it further Enacted, by the Authority aforeſaid*, That after the ſaid Firſt Day of *January*, a Court for the ſaid County of *Edgcomb* be conſtantly held, by the Juſtices thereof, at *Redman*'s *Old-field*, on *Tyoncoca*, upon the Days and Times by Law appointed for that Purpoſe; and alſo, that a Court for the ſaid County of *Halifax* be conſtantly held, by the Juſtices thereof, at *Enfield*, upon the Firſt *Tueſdays* in *March*, *June*, *September*, and *December*, in every Year, as by the Laws of this Province is provided, and ſhall be, by Commiſſion to the Juſtices of the ſaid Counties, reſpectively, directed.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Sheriff of the ſaid County of *Edgcomb*, as

A. D. 1758. as the ſame ſtands now undivided, to make Diſtreſs for any Levies, Fees, or other Dues, that ſhall be due from the Inhabitants of the ſaid County on the ſaid firſt Day of *January*, in the ſame Manner as by Law the ſaid Sheriff could or might have done if the ſaid County had remained undivided; and the ſaid Levies, Fees, and other Dues, ſhall be collected and accounted for, in the ſame Manner as if this Act had never been made; any Thing herein contained to the contrary notwithſtanding.

V. *BE it further Enacted, by the Authority aforeſaid*, That after the ſaid firſt Day of *January*, the ſaid County of *Halifax* ſhall be, continue and remain Part of the Diſtrict of the Supreme Court of Juſtice, *Oyer* and *Terminer*, and General Goal Delivery, uſually held for the Counties of *Northampton*, *Edgcomb* and *Granville*; and the Sheriff or Collector of the ſaid County of *Halifax*, ſhall, from Time to Time, account for and pay to the Public Treaſurer of the *Northern* Diſtrict of this Province for the Time being, all Public Levies by him collected, or wherewith he ſhall ſtand chargeable, in the ſame Manner, and under the like Pains and Penalties, as other Sherifs.

VI. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed or taken, to alter or derogate from the Rights and royal Prerogative of his Majeſty, his Heirs or Succeſſors, of granting Letters of Incorporation to the ſaid Counties; and of ordering, appointing and directing, the Election of a Member or Members to repreſent them in Aſſembly; and of granting Markets and Fairs, to be kept and held in them, reſpectively; but that the ſaid Right and Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his ſaid Majeſty, his Heirs or Succeſſors, in as full and ample Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made.

CHAP. XIV.

An Act, for dividing the Pariſh of St. John, *in* Granville *County.*

See Act paſſed *April* 23, 1761, Chap. XI.

I. WHEREAS by Reaſon of the large Extent of the Pariſh of *St. John*, in the County of *Granville*, the Miniſter thereof is put to great Difficulty in diſcharging the Duty of his Function; and the Pariſhoners are ſubject to many Inconveniences;

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and immediately after the Twentieth Day of *September* next, the ſaid Pariſh of *St. John* be divided into Two diſtinct Pariſhes, * *to wit*, Beginning at *Cotton* Creek where the *Virginia* Line croſſes the ſame, thence running *South*, Thirty Degrees *Weſt*, to *Johnſton* County Line; and that all that Part of the ſaid Pariſh which lies *Eaſtward* of the Line, remain and be called the Pariſh of St. *John*; and that all that other Part of the ſaid Pariſh which lies *Weſtward* of the ſaid Line, ſhall be one other diſtinct Pariſh, and called by the Name of *Granville*.

* The remaining Part of this Clauſe altered by Act paſſed *April* 23, 1761, Chap. XI.

III. *AND*

A. D. 1758.

III. *AND be it further Enacted, by the Authority aforeſaid*, That *William Eaton*, *William Perſon*, *Charles Johnſton*, *William Johnſton*, *Philemon Hawkins*, *Gideon Mackon*, *Oſborne Jefferies*, *Lodwick Alford*, *John Pope*, *William Maſſey*, *Daniel Harris*, and *John Hawkins*, be, and are hereby appointed Veſtrymen for the ſaid Pariſh of *St. John*; and that *Robert Harris*, *Richard Henderſon*, *Reuben Leary*, *Henry Howard*, *Richard Harris*, Jun. *James Mitchel*, *Andrew Hampton*, *Thomas Lowe*, *Evan Ragland*, *William Benford*, *Darwin Elwick*, and *Sharwood Harris*, be, and are hereby appointed Veſtrymen for the ſaid Pariſh of *Granville*: And the ſaid Perſons, reſpectively, within Twenty Days after the ſaid Twentieth Day of *September*, ſhall, before a Magiſtrate of the ſaid County of *Granville*, take the Oaths by Law appointed to be taken for the Qualification of Public Officers, and repeat and ſubſcribe the Declaration directed to be made by an Act of Aſſembly, intituled, "An Act for appointing Pariſhes and Veſtries; for the Encouragement of an Orthodox Clergy; for the Advancement of the *Proteſtant* Religion; and for the Direction of the Settlement of Pariſh Accounts;" and alſo repeat and ſubſcribe the Teſt.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon hereby appointed of the Veſtries aforeſaid, reſpectively, who ſhall refuſe or neglect to take the Oaths aforementioned, and repeat and ſubſcribe the Declaration and Teſt, in Manner aforeſaid, ſhall forfeit and pay the Sum of Forty Shillings, Proclamation Money, to the Pariſh whereof he is a Reſident; to be recovered by the Churchwardens thereof, by a Warrant from any Two of his Majeſty's Juſtices of the Peace for the ſaid County, and to be applied towards leſſening the Levy of the ſaid Pariſh: And in ſuch Caſe, or where a Veſtryman ſhall die or remove out of the Pariſh for which he is appointed, the other Perſons appointed as aforeſaid, or the Majority of them, ſhall and may, after being qualified in Manner herein before directed, elect and chuſe another Perſon (being a Freeholder) in Place of him who ſhall ſo refuſe, or neglect, or die, or remove; and ſuch Perſon ſo elected in Manner aforeſaid, after his taking the Oaths, and repeating and ſubſcribing the Declaration aforeſaid, and Teſt, ſhall be deemed and held a legal Veſtryman, to all Intents and Purpoſes, as if he had been particularly appointed by this Act.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Veſtries, reſpectively, ſhall continue to be Veſtries; and ſhall and may continue, uſe and exerciſe the like Powers and Authorities, as other Veſtries within this Province may, can, or ought to uſe and enjoy; and be ſubject to the Pains and Penalties for Breach or Neglect of Duty, ſpecified in the aforeſaid Act of Aſſembly, until the uſual Time of electing Veſtrymen.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That all Contracts, Agreements and Orders, heretofore entered into or made by the Veſtry of the ſaid Pariſh of *St. John*, as it now ſtands entire and undivided, ſhall be, continue and remain of the ſame Force, Validity and Effect, as if this Act had never been made.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the aforeſaid Veſtry of the Pariſh of *St. John*, after paying the Miniſter's Salary, diſcharg-

A. D. 1758. ing the Allowances made to the Poor, and other Demands wherewith the ſaid Pariſh of *St. John*, as it now is entire and undivided, ſtands chargeable, ſhall pay and ſatisfy to the Veſtry of the ſaid Pariſh of *Granville*, an equal Proportion of all the Money levied for the Uſe of the ſaid Pariſh of *St. John*, whether the ſame be collected, or by the Collector of the ſaid Pariſh ſtill to be accounted for; due Regard being had to the Number of Taxables in each of the ſaid Pariſhes: And if the Tax already impoſed by the Veſtry of the ſaid Pariſh of *St. John*, ſhall be inſufficient to anſwer the ſaid Demands, the ſaid Veſtry of the aforeſaid Pariſh of *Granville*, ſhall pay and ſatisfy to the ſaid Veſtry of the Pariſh of *St. John*, an equal Proportion of ſuch Deficiency; Regard being had to the Number of Taxables as aforeſaid.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Collector of the ſaid Pariſh of *St. John*, as the ſame ſtands now undivided, to make Diſtreſs for any Levies or Taxes that ſhall be due from the Inhabitants of the ſaid Pariſh on the ſaid Twentieth Day of *September*, in the ſame Manner as by Law the ſaid Collector could or might have done if the ſaid Pariſh had remained undivided; and the ſaid Levies and Taxes ſhall be collected and accounted for in the ſame Manner as if this Act had never been made; any Thing herein contained to the contrary, notwithſtanding.

CHAP. XV.

An Act, for dividing the Pariſh of North-Weſt.

Private. I. WHEREAS by Reaſon of the great Length of the Pariſh of *North-Weſt*, in the County of *Northampton*, it is extremely difficult for the Miniſter thereof to diſcharge the Duty of his Function; and many Inconveniences attend the Pariſhoners thereof:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and immediately after the firſt Day of *January* next, the ſaid Pariſh of *North-Weſt* be divided into Two diſtinct Pariſhes; from *Bertie* County Line, by *Poticatia* Swamp, to the head Branch thereof; and from thence, by a direct Courſe, to the Country Line, where the ſame croſſes *Jack's* Swamp, and that all that Part of the ſaid Pariſh which lies *North-Weſt* of the ſaid Bounds, ſhall, for ever hereafter, remain, be called, and retain the Name of the Pariſh of *North-Weſt*; and that all that other Part of the ſaid Pariſh which lies *Southward* of the ſaid Bounds, ſhall thereafter be a diſtinct Pariſh, and called and known by the Name of the Pariſh of *St. George*.

III. *AND be it further Enacted, by the Authority aforeſaid*, That *William Murphree*, *James Waſhington*, *James Turner*, *Samuel Thomas*, *Joſeph Sikes*, *Charles Skinner*, *William Battle*, *Joſeph Smith*, *Benjamin Deberry*, *Robert Warren*, *James Manna*, and *John Figures*, be, and are hereby appointed Veſtrymen for the ſaid Pariſh of *North-Weſt*: And that *William Cathcart*, *John Edwards*, *John Dukes*, *William Pace*, *Thomas Wilburn*, *William Short*, *John Jones*, *William Allen*, *Harwood Jones*, *Thomas Barret*, *William Winborne*, and *Green Hill*, be, and are hereby appointed

appointed Veſtrymen for the ſaid Pariſh of *St. George:* And the ſaid Perſons, reſpectively, within Twenty Days after the ſaid firſt Day of *January*, ſhall, before a Magiſtrate of the ſaid County of *Northampton*, take the Oaths by Law appointed to be taken for the Qualification of Public Officers, and repeat and ſubſcribe the Declaration directed to be made by an Act of Aſſembly, intituled, "An Act for appointing Pariſhes and Veſtries; for the Encouragement of an Orthodox Clergy; for the Advancement of the *Proteſtant* Religion; and for the Direction of the Settlement of Pariſh Accounts;" and alſo repeat and ſubſcribe the Teſt; and from thenceforth ſhall and may, and is hereby required, to exerciſe, and uſe all the Powers and Authorities, that any other Veſtryman in this Province may, can, or ought to exerciſe and enjoy; and ſhall be liable to the ſame Penalties and Forfeitures, as any other Perſon elected a Veſtryman is in any Manner ſubject to.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon hereby appointed of the Veſtries aforeſaid, reſpectively, who ſhall refuſe or neglect to take the Oaths aforementioned, and repeat and ſubſcribe the Declaration and Teſt in Manner aforeſaid, ſhall forfeit and pay the Sum of Forty Shillings, Proclamation Money, to the Pariſh whereof he is a Reſident; to be recovered by the Churchwardens thereof, by a Warrant from any Two of his Majeſty's Juſtices of the Peace for the ſaid County, and to be applied towards leſſening the Levy of the ſaid Pariſh: And in ſuch Caſe, or where a Veſtryman ſhall die or remove out of the Pariſh for which he is appointed, the other Perſons appointed as aforeſaid, or the Majority of them, ſhall and may, after being qualified in Manner herein before directed, elect and chuſe another Perſon (being a Freeholder) in Place of him who ſhall ſo refuſe, or neglect, or die, or remove; and ſuch Perſon ſo elected in Manner aforeſaid, after his taking the Oaths, and repeating and ſubſcribing the Declaration aforeſaid, and Teſt, ſhall be deemed and held to be a legal Veſtryman, to all Intents and Purpoſes, as if he had been particularly appointed by this Act.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Veſtries, reſpectively, ſhall continue to be Veſtries; and ſhall and may continue to uſe and exerciſe the like Powers and Authorities, as other Veſtries within this Province may, can, or ought to uſe and enjoy; and be ſubject to the Pains and Penalties for Breach or Neglect of Duty, ſpecified in the aforeſaid Act of Aſſembly, until the uſual Time of electing Veſtrymen.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the aforeſaid Veſtry of the Pariſh of *North-Weſt*, after paying the Miniſter's Salary; diſcharging the Allowances made to the Poor; and other Demands wherewith the ſaid Pariſh of *North Weſt*, as it now is entire and undivided, ſtands chargeable, ſhall pay and ſatisfy to the Veſtry of the ſaid Pariſh of St. *George*, an equal Proportion of all the Money levied for the Uſe of the ſaid Pariſh of *North-Weſt*, whether the ſame be collected, or by the Collector of the ſaid Pariſh ſtill to be accounted for; due Regard being had to the Number of Taxables in each of the ſaid Pariſhes: And if the Tax already impoſed by the Veſtry of the ſaid Pariſh of *North-Weſt*, ſhall be inſufficient to anſwer the ſaid Demands, the ſaid Veſtry of the aforeſaid Pariſh of St. *George*, ſhall pay and ſatisfy to the ſaid Veſtry of the Pariſh of *North-Weſt*, an equal

A. D. 1758. equal Proportion of ſuch Deficiency; Regard being had to the Number of Taxables as aforeſaid.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Collector of the ſaid Pariſh of *North-Weſt*, as the ſame ſtands now undivided, to make Diſtreſs for any Levies or Taxes that ſhall be due from the Inhabitants of the ſaid Pariſh on the ſaid firſt Day of *January*, in the ſame Manner as by Law the ſaid Collector could or might have done if the ſaid Pariſh had remained undivided; and the ſaid Levies and Taxes ſhall be collected and accounted for, in the ſame Manner as if this Act had never been mady; any Thing herein contained to the contrary notwithſtanding.

CHAP. XVI.

An Act, for eſtabliſhing a Town on the Lands formerly belonging to Zachariah Nixon, *lying on the* North-Eaſt *Side of* Little-River, *in* Paſquotank *County.*

Private. I. WHEREAS it hath been repreſented to the Aſſembly, that in the Year of our Lord One Thouſand Seven Hundred and Forty Six, One Hundred and Sixty-one and a Half Acres of Land was purchaſed for a Town, and Commons; Fifty Acres of which hath been laid out in Half Acre Lots, with convenient Streets; that there are now upwards of Twenty habitable Houſes erected thereon, and upwards of Seventy Inhabitants; and that the ſame might ſoon be improved if it was erected into a Town by lawful Authority:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid One Hundred and Sixty-one and an Half Acres of Land, be, and the ſame is hereby conſtituted, erected and eſtabliſhed a Town, and Town Commons; and ſhall be called by the Name of *Nixon* Town.

III. *AND be it further Enacted, by the Authority aforeſaid*, That from and after paſſing this Act, *Joſeph Robinſon, Thomas Nicholſon, William Lane, Aaron Morris*, and *Francis Nixon*, be, and they, and every of them, are hereby conſtituted Directors and Truſtees, for deſigning, building, and carrying on the ſaid Town; and they ſhall ſtand ſeized of an indefeaſible Eſtate, in Fee, in the ſaid One Hundred and Sixty-one and a Half Acres of Land, to and for the Uſes, Intents and Purpoſes herein expreſſed and declared; and that the ſaid Directors, or any Three of them, ſhall have full Power and Authority, to meet as often as they ſhall think neceſſary, and cauſe an exact Plan of One Hundred Acres of ſaid Land to be made, as near as may be, agreeable to the Streets already laid out, and to inſert a Mark or Number of each Lot; which Plan ſhall be kept in ſome convenient Place in the ſaid Town, for the View of ſuch Perſons who have, or incline to have a Lot or Lots in the ſame.

IV. *PROVIDED nevertheleſs*, That nothing in this Act contained ſhall be conſtrued or extend to grant Power to the ſaid Directors, or their Succeſſors, to diſpoſe

diſpoſe of, or interfere with the Titles of any Lot or Lots already ſaved in the ſaid Town, or for which any Perſon or Perſons have, at the Time of paſſing this Act, a Deed of Sale or Conveyance, ſigned and executed according to Law, either by *Zachariah Nixon*, in his Lifetime, or by the Perſons impowered by his laſt Will and Teſtament, to do the ſame: But ſuch Deeds and Conveyances as aforeſaid, provided the Lot or Lots therein mentioned has or have been ſaved, or be hereafter ſaved within Three Years after the paſſing this Act, in the ſame Manner as the Lots hereafter to be granted are to be ſaved, purſuant to the Directions of this Act, are hereby confirmed, in Fee, to ſuch Perſon or Perſons, and to his or their Heirs and Aſſigns, for ever. *A. D.* 1758.

V. AND whereas it may be that ſome Perſon or Perſons, Owner or Owners of one or more ſaved Lots in the ſaid Town, has, or have neglected to have the ſaid Lot or Lots made over to them by Deed or Conveyance, by either the ſaid *Zachariah Nixon*, in his Lifetime, or by the Perſons appointed by his laſt Will and Teſtament ſo to do ſince his Deceaſe: In order therefore to quiet and ſecure the ſaid Perſon or Perſons in the Poſſeſſion of his or their Lot or Lots, *It is hereby Enacted, by the Authority aforeſaid*, That the ſaid Directors, or the Majority of them, ſhall, at the proper Coſt and Charges of the Perſon or Perſons having one or more ſaved Lots not made over to them, make and execute Deeds for granting and conveying the ſame to him or them, his and their Heirs and Aſſigns, for ever.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Directors, or a Majority of them, within One Month after the laying out of the ſaid Town, and making the Plan thereof, ſhall appoint a Time and give public Notice thereof, and ſo from Time to Time, as often as they ſhall think it neceſſary, to make Sale of any Lot or Lots therein laying vacant or unimproved, to the higheſt Bidder; and the ſaid Directors, or a Majority of them, ſhall make and execute Deeds for granting and conveying the ſame to ſuch Purchaſer, his Heirs and Aſſigns, for ever, at the Coſt and Charge of the Grantee to whom the ſame ſhall be conveyed; and every Perſon claiming any Lot or Lots by Virtue of any ſuch Conveyance, ſhall and may hold and enjoy the ſame in Fee-ſimple.

VII. *PROVIDED neverthelefs*, That every Grantee of any Lot or Lots in the ſaid Town ſo conveyed, ſhall, within Three Years next after the Date of the Purchaſe, erect, build and finiſh, on each Lot ſo conveyed, one good habitable Houſe, with a Brick or Stone Chimney, Twenty Feet long, Fifteen Feet wide, and Nine Feet Pitch in the Clear, or proportionable to ſuch Dimenſions, if ſuch Grantee ſhall have Two or more Lots contiguous; and if the Owner of any Lot ſhall not comply with the Directions by this Act preſcribed, for building and finiſhing an Houſe thereon, then ſuch Lot ſhall be re-veſted in the ſaid Directors; and the ſaid Directors, or the Majority of them, may, and they are hereby impowered and authorized to ſell ſuch Lot, in the ſame Manner as if the ſaid Lot had never been ſold or granted: And in Caſe of the Refuſal or Neglect of any Purchaſer to pay the Sum agreed for, the ſaid Directors ſhall and may commence and proſecute a Suit, in their own Names, for the ſame, and thereon recover Judgment, with Coſts.

A. D. 1758.

VIII. *AND be it further Enacted*, That all Monies which ſhall ariſe by the Sale of ſaid Lots, ſhall be paid to the ſaid Directors, and their Succeſſors; and by them applied for the Benefit and Improvement of the ſaid Town, in ſuch Manner as the Majority of the ſaid Directors ſhall think proper.

IX. AND for continuing the Succeſſion of the ſaid Directors until the ſaid Town ſhall be incorporated; *Be it further Enacted, by the Authority aforeſaid*, In Caſe of the Death, Refuſal to act, or Removal out of the County, of any of the ſaid Directors, the remaining Directors, or the Majority of them, ſhall aſſemble at ſaid Town, and are hereby impowered, from Time to Time, by Inſtrument in Writing, under their reſpective Hands and Seals, to nominate ſome other Perſon (being a Freeholder of the ſaid Town) in the Place of him ſo dying, refuſing to act, or Removal out of the County; which new Director ſo nominated and appointed, ſhall, from thenceforth, have the like Power and Authority, in all Things in the Matter herein contained, as if he had been expreſsly named and appointed in and by this Act.

CHAP. XVII.

This Act re-enacted, by Act *Decemb.* 1762, Chap. XXVIII.

An Act, to eſtabliſh a Ferry from Solley's *Point to* Relf's *Point, wherein the Court-houſe now ſtands, on* Paſquotank *River.*

CHAP. XVIII.

Excepted

An Act, for deſtroying Squirrels, in the Counties within mentioned.

Preamble.

I. WHEREAS by the numerous Increaſe of Squirrels much Damage and Injury is Yearly done, as well to the growing Corn, as to the Maſt in general, in the Counties of *Paſquotank* and *Perquimons*, within this Province; and unleſs ſome ſpeedy Remedy be taken to prevent their future Increaſe, much greater Damage and Injury will yearly enſue: For Remedy whereof,

Ten Squirrels for each Taxable, to be killed, on Pen. of 2d for each Squirrel.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Maſter, Miſtreſs, or Overſeer of any Family in the Counties aforeſaid, ſhall kill, or cauſed to be killed, in each Year, Ten Squirrels, for each Taxable he or ſhe ſhall enliſt in the Counties aforeſaid, under the Penalty of forfeiting and paying the Sum of Two Pence, Proclamation Money, for each Squirrel he or ſhe ſhall ſo fail or neglect to kill, or cauſe to be killed; to be recovered and applied as herein after directed.

Scalps to be produced before a Magiſtrate with the Ears on, and Certificate to be by him granted for the ſame.

III. *AND be it further Enacted, by the Authority aforeſaid*, That every Maſter, Miſtreſs, or Overſeer of any Plantation, ſhall, on killing any Squirrel or Squirrels as aforeſaid, produce the Scalp with the Ears on, to ſome Juſtice of the Peace, who, on producing the ſame, ſhall give a Certificate to the ſaid Perſon or Perſons, for the Number of Scalps he, ſhe, or they ſhall produce; which ſaid Juſtice in giving a Certificate as aforeſaid, ſhall deſtroy, or cauſe to be deſtroyed, in his Preſence, the ſaid Scalps ſo produced.

IV. AND

IV. AND for the more effectual obtaining Certificates as aforeſaid; *Be it further Enacted*, That each Collector of the Pariſh Levies in each County as aforeſaid, at the Time of receiving the Pariſh Levy, ſhall demand of every Perſon paying the ſaid Levy, a Certificate ſigned by ſome Magiſtrate in the ſaid County, of the Number of Squirrels by him killed; which, if he or ſhe ſhall fail to produce, or pay the Penalty as aforeſaid, then the Collector ſhall certify the ſame to the Churchwardens of the ſaid Pariſh, who are hereby directed to take out a Warrant from ſome Magiſtrate for the Penalty aforeſaid; and on Recovery, to apply the ſame towards leſſening the Pariſh Tax; which ſaid Collector or Churchwardens ſhall account with the Veſtry, on Oath, for the ſame.

Pariſh Clerk to demand Certificates, and if not produced, to inform the Churchwardens, who may recover the Penalty.

V. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall commence and be in Force on the Firſt Day of *March* next, and continue in Force for and during the Term of Two Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

Continuance of the Act.

CHAP. XIX.

An Act, for repealing an Act therein mentioned.

I. WHEREAS one Act of Aſſembly, intituled, *An Act, for preſerving Peace, and continuing a good Correſpondence with the* Indians *in Alliance with his Majeſty's Subjects*, has not procured the good Effects hoped for; but on the contrary, is likely to alienate the Affections of the ſaid *Indians* from the Inhabitants of this Province:

Preamble.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid recited Act, and every Clauſe and Article thereof, ſhall be, from henceforth, repealed, and made null and void.

Act repealed.

CHAP. XX.

An Act, to relieve John Pope *from a Judgment obtained againſt him, in Favour of the Pariſhes of* Edgcomb *and St.* Mary.

I. WHEREAS in the Year One Thouſand Seven Hundred and Fifty Three, the Veſtry of the Pariſh of *Edgcomb*, in the County of *Edgcomb*, did lay a Tax of Two Shillings and Three Pence, Proclamation Money, upon each taxable Perſon in the ſaid Pariſh, for defraying the Charges of the ſame, and appointed *John Pope*, Gentleman, Collector thereof; but it afterwards appearing that the ſaid Veſtry was not legal, the ſaid *John Pope* could not levy the ſaid Tax, or otherwiſe compel Payment thereof: Notwithſtanding which, Judgment hath been recovered againſt the ſaid *John Pope* for the ſame, and he hath diſcharged great Part thereof: And the ſaid Pariſh of *Edgcomb*, ſince impoſing the ſaid Tax, hath been divided, and a Part thereof erected into a diſtinct Pariſh, by the Name of the Pariſh of St. *Mary*; and the Veſtries of the ſaid Pariſhes are in Doubt, whether

Private.

A. D. 1758. ther they have Power to releaſe the ſaid Judgment without paying thereof, or refund the ſaid *John Pope* the Money by him paid in Part thereof:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Veſtries of the ſaid Pariſhes, reſpectively, may, and are hereby authorized and impowered, to repay the ſaid *John Pope* ſuch Proportion of the ſaid Tax as they, reſpectively, have received; and to grant a Releaſe or Releaſes to him for ſuch Part of the ſaid Judgment as they are intitled to receive, or ſo much of each of them as to them, in their Diſcretion, ſhall ſeem reaſonable; any Law or Uſage to the contrary notwithſtanding.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.

MATTHEW ROWAN, Preſident.

SAMUEL SWANN, Speaker.

A. D. 1759.

ANNO REGNI GEORGII II,

Regis, *Magnæ Britanniæ, Franciæ, & Hiberniæ,* Triceſſimo Tertio.

At a General ASSEMBLY, begun and held at *Newbern*, on the Twelfth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-four, and from thence continued, by ſeveral Prorogations, to the Eighth Day of *May*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-nine, to be then held at *Newbern*; being the Eighth Seſſion of this Aſſembly.

ARTH. DOBBS, Eſq; Governor.

CHAP. I.

An Act, for raiſing Money for finiſhing the Churches in the Pariſhes of St. James *and St.* Philip, *in* New-Hanover *County, by a Lottery.*

This Act re-enacted, by Act, *Nov.* 1760, Cha. VIII.

CHAP. II.

An Act, to impower the Juſtices of Dobbs *County to hear and determine all Cauſes commenced and undetermined in* Johnſton *County Court, before the Diviſion of the ſaid County.*

Preamble.

I. WHEREAS by one Act of Aſſembly made and paſſed at *Edenton*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-eight, intituled, *An Act, for dividing the County of* Johnſton, *and other Purpoſes*, it is Enacted, That from and after the Tenth Day of *April*, then next following, the

 ſaid

A. D. 1759. ſaid County of *Johnſton*, be divided, by the dividing Line between the Pariſh of St. *Patrick* and the Pariſh of St. *Stephen*: And that that Part of the ſaid County which was then the Pariſh of St. *Stephen*, ſhould remain, be called, and known by the Name of *Johnſton*: And, that that Part of the ſaid County which was the Pariſh of St. *Patrick*, be thenceforth erected into a diſtinct County, and called and known by the Name of *Dobbs*. And whereas there is not any Proviſion made in the ſaid Act for the Trial of ſuch Cauſes as were commenced in *Johnſton* County (now called *Dobbs* County) Court, and undetermined on the ſaid Tenth Day of *April*:

Juſtices of *Dobbs* County to hear all Cauſes pending in *Johnſton* before the Diviſion.

II. *B E it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Juſtices of *Dobbs* County Court ſhall and may, and they are hereby authorized, impowered and directed, to hear, try and determine, all Cauſes which were pending in the ſaid County Court of *Johnſton*, and undetermined on the ſaid Tenth Day of *April*; and to give Judgment and award Execution thereupon, in the ſame Manner, to all Intents and Purpoſes, as the Juſtices of *Johnſton* County Court might or could have done if the ſaid County had remained undivided; any Law, Uſage or Cuſtom to the contrary, notwithſtanding.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.

MATTHEW ROWAN, Preſident.

SAMUEL SWANN, Speaker.

A. D. 1759.

ANNO REGNI GEORGII II,

Regis, *Magnæ Britanniæ, Franciæ, & Hiberniæ,* Triceſſimo Tertio.

At a General ASSEMBLY, begun and held at *Newbern*, on the Twelfth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-four, and from thence continued, by ſeveral Prorogations, to the Twentieth Day of *November*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-nine, then held at *Wilmington*; being the Ninth Seſſion of this Aſſembly.

ARTH. DOBBS, Eſq; Governor.

CHAP. I.

An Act, to amend and continue an Act, intituled, An Act, for the better Regulation of the Militia, and other Purpoſes. EXP.

CHAP. II

An Act, for granting an Aid to his Majeſty, for paying and ſubſiſting the Forces and Militia now in the Pay of this Province, and for other Purpoſes.

This Act had its Effect.

CHAP. III.

An Act, for the Appointment of Veſtries. REP.

CHAP. IV.

An Act, for erecting Part of the Counties of Chowan, Bertie, *and* Northampton, *into a County and Pariſh.*

Preamble.

I. WHEREAS the large Extent of the Counties of *Chowan*, *Bertie*, and *Northampton*, renders it grievous and burthenſome to many of the Inhabitants thereof to attend the Courts of Juſtice, and other Public Meetings appointed therein: For Remedy whereof;

II. *BE*

A. D. 1759.

Hertford County erected.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the Firſt Day of *May* next, the ſaid Counties be divided, as follows, *to wit*, Beginning in *Bertie* County at the firſt high Land on the *Northweſt* Side of *Mare* Branch, on *Chowan* River Pocoſen; running thence by a direct Line to *Thomas Outlaw*'s Plantation, near *Stoney-Creek*, thence by a direct Line to *Northampton* County Line, at the Plantation whereon *James Rutland* formerly lived; then along *Northampton* County Line to the Head of *Beaver-dam Swamp*; thence by a direct Line to the *Eaſtermoſt* Part of *Kerby*'s Creek; thence down the Creek to *Meherrin* River; then up *Meherrin* River to the *Virginia* Line; then *Eaſterly* along the *Virginia* Line to *Bennet*'s Creek; then down *Bennet*'s Creek to *Chowan* River; then acroſs the River to the Mouth of the ſaid *Mare* Branch; and up the Branch to the Beginning: And all that Part of the ſaid Counties included within the ſaid Bounds, be thenceforth erected into a diſtinct County and Pariſh; and called and known by the Name of *Hertford* County, and Pariſh of St. *Barnabas*.

Commiſſioners appointed for runing the dividing Lines.

III. *AND be it further Enacted, by the Authority aforeſaid,* That *John Edwards*, *John Brown*, and *John Baker*, Eſquires, be appointed Commiſſioners, and they, or any Two of them, are hereby impowered and directed to run the ſaid dividing Lines between the ſaid Counties, agreeable to the Directions in this Act before mentioned; and to return a fair Plan thereof to the Court of the ſaid County of *Hertford*.

Court for the ſaid County to be held.

IV. AND for the due Adminiſtration of Juſtice; *Be it Enacted, by the Authority aforeſaid,* That after the aforeſaid Firſt Day of *May*, a Court for the ſaid County of *Hertford* be conſtantly held by the Juſtices thereof at *Cotton*'s Ferry, on the *South* Side of *Chowan* River, upon the Fourth *Tueſday* in *May*, *Auguſt*, *November*, and *February*, in each and every Year, as by the Laws of this Province is provided, and ſhall be by Commiſſion to the Juſtices of the ſaid County directed.

Part of *Northweſt* Pariſh added to the Pariſh of St. *George*.

V. *AND be it further Enacted, by the Authority aforeſaid,* That from and after the paſſing of this Act, all that Part of the Pariſh of *Northweſt* as ſhall lie to the *Weſtward* of the aforeſaid Counties of *Bertie* and *Hertford*, ſhall be added to, and united and conſolidated with the Pariſh of St. *George* in the ſaid County of *Northampton*, and ſhall remain one entire Pariſh, and be called and known by the Name of the Pariſh of St. *George*.

Not to debar the Sheriffs from making Diſtreſs for Levies, as they could before the Diviſion of the Counties.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That nothing herein contained ſhall be conſtrued to debar the Sherifs of the Counties of *Chowan*, *Bertie*, and *Northampton*, as they reſpectively now ſtand undivided; to make Diſtreſs for any Levies, Fees, or other Dues, that ſhall be due from the Inhabitants of the ſaid Counties on the ſaid Firſt Day of *May*, in the ſame Manner as by Law the ſaid Sherifs might or could have done if the ſaid Counties had remained undivided; and the ſaid Levies, Fees, and other Dues, ſhall be collected and accounted for in the ſame Manner as if this Act had never been made; any Thing herein contained to the contrary notwithſtanding.

VII. *AND*

VII. *AND be it further Enacted, by the Authority aforesaid*, That all Sums of Money which shall be owing, due, and belonging to the said Parish of *Northwest* at the passing of this Act, shall be paid and satisfied to the Vestry of the Parish of St. *George*; and the said Parish of St. *George* shall stand chargeable to every Person and Persons whatsoever, for all Demands they may respectively have on the said Parish of *Northwest* at the Time aforesaid.

A. D. 1759. Monies due to the Parish of *N. West* before the Division, to be paid to the Parish of St. *George*.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That after the said First Day of *May*, the said County of *Hertford* shall be, continue, and remain Part of the District of *Edenton:* And the Sheriff of the said County of *Hertford* shall, from Time to Time, account for and pay to the Public Treasurer of the *Northern* District for the Time being, all Public Levies by him collected, or wherewith he shall stand chargeable, in the same Manner, and under the like Pains and Penalties, as other Sheriffs.

Hertford County to be Part of the District of *Edenton*.

IX. *PROVIDED always*, That nothing herein contained shall be construed, deemed or taken, to alter or derogate from the Rights and Royal Prerogative of his Majesty, his Heirs and Successors, of granting Letters of Incorporation to the said County, and of ordering, appointing, and directing the Election of a Member or Members to represent them in Assembly, and of granting Markets and Fairs to be kept and held in the said County; but that the said Right and Prerogative shall and may, at all Times hereafter, be exercised therein by his said Majesty, his Heirs or Successors, in as full and ample Manner to all Intents and Purposes whatsoever, as if this Act had never been made.

His Majesty's Right of Incorporation, &c. preserved.

CHAP. V.

An Act, to amend an Act, for appointing Sheriffs, and directing their Duty in Office; and for compelling Collectors of Public Taxes, and Persons intrusted with laying out Public Money, to apply and account for the same.

I. WHEREAS the continuing of Sheriffs long in Office, who do not regularly account for the Public Taxes they collect, is of great Detriment to the Province:

Preamble.

II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That from and after the passing of this Act, no County Court shall recommend to the Governor any Person for his Appointment to the Office of Sheriff who shall have served Two Years successively in the said Office, unless such Person shall produce a Certificate from the Treasurer of the District of his having fully accounted for and paid all the Public Taxes which he hath or ought to have received by Virtue of his said Office: And if any County Court shall recommend any such Person contrary to the true Intent and Meaning of this Act, it shall and may be lawful for the Governor or Commander in Chief for the Time being, to appoint such other Person, qualified according to the Directions of the before mentioned Act, as he shall think proper to that Office; any Law, Custom, or Usage to the contrary notwithstanding.

Sheriffs not to be continued more than two Years unless they pay all the Taxes they ought to receive.

A. D. 1750.

CHAP. VI.

This Act had its Effect.

An Act, to impower Lawrence Thompſon, *late Sheriff of* Orange *County, to collect and receive a Tax of Two Shillings, Proclamation Money, laid on the Taxable Perſons in the County of* Orange, *by an Act of Aſſembly of this Province paſſed in the Thirtieth Year of the Reign of our Sovereign Lord* George *the Second, of* Great-Britain, France *and* Ireland, *King*, and ſo forth.

CHAP. VII.

An Act, for enlarging the Time allowed for ſaving Lots in the Town of Halifax, *preventing the building Wooden Chimnies therein; and other Purpoſes.*

Private.

I. WHEREAS by one Act of Aſſembly paſſed in the Thirty firſt Year of the Reign of his preſent Majeſty, intituled, *An Act, for eſtabliſhing a Town on the Land of* James Leſlie, *on* Roanoke *River*, among other Things, it is provided, That the Grantee of every Lot in the ſaid Town ſhall, within Three Years after obtaining a Conveyance for the ſame, erect and finiſh thereon a Houſe of the Dimenſions therein ſpecified; and on Failure thereof, every Lot wherein ſuch Houſe ſhall not be ſo erected, ſhall be re-veſted in the Directors of the ſaid Town by the ſaid Act appointed: And whereas the Small-pox hath raged in the ſaid Town for many Months paſt, whereby many Perſons have been prevented from ſaving their Lots agreeable to the Direction of the ſaid Act:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Lot in the ſaid Town on which a Houſe ſhall be erected and built of the Dimenſions mentioned in the ſaid Act within the Space of Five Years next after the paſſing of this Act; and alſo, every Lot therein which ſhall hereafter be ſold or conveyed on which ſuch Houſe ſhall be erected within the Space of Five Years after the Date of the Conveyance made for the ſame, ſhall be, and is hereby declared to be veſted in the Grantee thereof, in Fee-ſimple; any Thing in the ſaid recited Act to the contrary notwithſtanding.

III. AND whereas ſuffering Wooden Chimnies to be built in the ſaid Town, may occaſion Accidents by Fire; *Be it further Enacted, by the Authority aforeſaid*, That no Perſon whatſoever ſhall hereafter erect any wooden Chimney in the ſaid Town; and every Perſon who hath already build any ſuch wooden Chimney therein, ſhall pull down or remove the ſame within the Term of Five Years next after the paſſing of this Act: And if any Perſon or Perſons ſhall preſume to act contrary hereto in erecting any wooden Chimney in the ſaid Town, or in failing to pull down or remove, within the Time aforementioned, any ſuch wooden Chimney by him already erected therein, the Directors herein after mentioned, or any Two of them, are hereby authoriſed, impowered, and required, to pull down and deſtroy every

every ſuch Chimney, and ſhall not be liable to an Action or Damage for ſo doing; and if the ſaid Directors, or any of them, ſhall be ſued for the ſame, they may plead the General Iſſue, and give this Act in Evidence. *A. D.* 1759.

IV. AND whereas *John Gibſon*, Gentleman, one of the Directors of the ſaid Town, by removing to the Colony of *Virginia*, hath vacated his ſaid Office; *Be it therefore Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, *Thomas Barker*, *Alexander McCulloh*, *Robert Jones*, Jun. *Richard Brownrigg*, *Stephen Dewy*, *Thomas McKnight*, and *Daniel Weldon*, Gentlemen, be, and are hereby appointed Directors and Truſtees of the ſaid Town; and ſhall and may uſe and exerciſe the ſame Powers and Authorities as the Directors thereof appointed by the aforeſaid Act could or might have exerciſed, uſed, and enjoyed by Virtue of the ſame: And in Caſe of the Death, Refuſal to act, or Removal out of the Country, of any of the ſaid Directors, the ſurviving or other Directors ſhall, and are hereby required and impowered, to chuſe another Director, agreeable to the Directions of the ſaid Act, in the Room of him ſo dying, refuſing to act, or removing out of the Country.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Directors, or any Three of them, ſhall and may, and are hereby authoriſed and impowered, to make and execute Deeds for granting and conveying to every Perſon and Perſons who already have purchaſed, or hereafter ſhall purchaſe any Lot or Lots in the ſaid Town; and every Perſon claiming any ſuch Lot or Lots by Virtue of any ſuch Conveyance, ſhall, and is hereby declared to have an indefeaſible Eſtate, in Fee-ſimple, in the ſame.

CHAP. VIII.

An Act, to enable William Dry, *Eſq; to finiſh Fort* Johnſton, *at the Mouth of* Cape-Fear *River.*

Private.

I. WHEREAS the Safety and Preſervation of that Part of this Province called *Cape-Fear*, greatly depends on the ſpeedy and effectual finiſhing the Fort at the Mouth of the ſaid River, and the raiſing a Fund for that Purpoſe on the Tonage of all Ships and Veſſels coming to the Port of *Brunſwick*, as directed by an Act of Aſſembly of this Province, intituled, *An Act, to enable the Commiſſioners* of Port Roanoke *to amend the Navigation of the ſaid Port, and for other Purpoſes*, is attended with great Delay. And whereas *William Dry*, Eſq; for and in Conſideration of the Sum of Two Thouſand Nine Hundred Pounds Proclamation Money, hath undertaken to compleat and finiſh the ſaid Fort, and all its neceſſary Appurtenances, in Two Years from the paſſing of this Act, conformable to the Propoſals now laid before the General Aſſembly; and hath given Bond and Security to the Governor and Commander in Chief for the Time being, in the Sum of Five Thouſand Eight Hundred Pounds Proclamation Money, for the well and faithful effecting the ſame.

II. *BE*

A. D. 1759.

II. *B E it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the paſſing of this Act, it ſhall and may be lawful for the ſaid *William Dry*, his Heirs and Aſſigns, to take and receive, to his or their own Uſe and Behoof, of and from the Maſter of each and every Veſſel (not owned in this Province) entered in the ſaid Port of *Brunſwick*, or any Port thereunto belonging, in order to unlade Goods and Merchandiſe in her imported, or in order to take on board any Goods, Wares or Merchandiſes whatſoever for Exportation out of the ſaid Port of *Brunſwick*, or Ports thereunto belonging, the Sum of Two Shillings Proclamation Money for each and every Tons Burthen the ſaid Ship or Veſſel may be of, until ſuch Time as, with the Ballance now in his Hands for Powder-Money and Tonage by him heretofore collected, he ſhall have received the full Amount of Two Thouſand Nine Hundred Pounds aforeſaid, excluſive of his Commiſſions, and no longer; provided that the ſaid *William Dry*, ſhall, within Six Months after the paſſing of this Act, well and truly account for, upon Oath, with the Commiſſioners of Fort-*Johnſton*, for all Powder-Money or Tonage by him heretofore received; and ſhall, upon Oath, account with the General Aſſembly for all Monies by him to be collected or received by Virtue of this Act.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Tonage of ſuch Ship or Veſſel ſhall be eſtimated by the Number of Barrels ſhe may carry, allowing for each and every Ton Eight Barrels, of Thirty One Gallons and and a Half, and ſo in Proportion for other Goods.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That every Clauſe, Matter or Thing, contained in any Act or Acts of Aſſembly heretofore made, relative to a Duty on the Tonage of Shipping entering and lading or unlading at the ſaid Port of *Brunſwick*, or within the Diſtrict thereof, is hereby repealed and made void to all Intents and Purpoſes whatſoever.

CHAP. IX.

Expired

An Act, to enable the Commiſſioners of Port Bath *and Port* Beaufort *to amend the Navigation, and other Purpoſes.*

Preamble.

I. WHERES the Bar at *Occacock*, and the *Swatch* leading up the Country, are very difficult and dangerous for Veſſels trading to Port *Bath*, and the River *Neuſe* in Port *Beaufort*; and the Tax on Tonage of Veſſels for erecting Beacons and Stakes in the ſaid Port and River, is greatly inſufficient to defray the neceſſary Expence accruing therefrom:

Recivers of Powder Money of Port *Beaufort* & Port *Bath* to receive the Duty in Money.

II. *Be it therefare Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the Paſſing this Act, inſtead of the Powder and Lead Duty, payable in the ſaid Port of *Bath* and *Neuſe* River, the Receivers of the ſaid Duty, for and during the Space of Four Years, ſhall receive the ſame in Proclamation Money, at the Rate of Two Shillings *per* Ton, for each and every Veſſel that ſhall enter into the ſaid Port of *Bath* and River *Neuſe*; the Tonage of

of which Veſſels ſhall be aſcertained agreeable to the Directions of an Act of Aſſembly, intituled, *An Act, to amend and continue an Act, intituled,* "An Act, for granting unto his Majeſty a Duty upon the Tonage of Ships and other Veſſels coming into this Province, for the Purpoſes therein mentioned:" Which Duty the ſaid Receivers ſhall, from Time to Time, after deducting Five *per Centum*, and no more, for his Commiſſions, pay to the Order of the Commiſſioners of the ſaid Port of *Bath* and *Beaufort*, to repay ſuch Sums of Money as they, or either of them, are or ſhall be in Advance, and the Remainder ſhall be laid out in mending the Channel, and improving the ſame, in ſuch Manner as they ſhall think moſt beneficial and ſerviceable for the Public: Provided nevertheleſs, that the ſaid Commiſſioners ſhall, from Time to Time, out of the Money ariſing by the ſaid Duty, ſupply Fort *Granville* with Three Fifths of the Ammunition neceſſary to be expended in the ſaid Fort.

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Which they are to pay to the Commiſſioners of the ſaid Ports, to be applied towards mending the Navigation, &c.

III. AND whereas the Trade of Port *Bath* hath of late ſo decreaſed, that the Duty of Tonage on Veſſels has not been ſufficient to defray its proportionable Part of the Expence of Navigation, whereby there is an Arrear due to the Commiſſioners of the ſaid Port; and there being a large Surplus of Powder and Lead now in the Hands of the Receiver of the ſaid Port, more than is ſufficient to ſupply its Proportion for Fort *Granville*; *Be it Enacted, by the Authority aforeſaid*, That the Receiver of the ſaid Port of *Bath*, after the paſſing of this Act, ſhall forthwith deliver to the Commiſſioners of the ſaid Port, all ſuch Powder and Lead as he has received; and they are hereby directed to ſell the ſame at Public Vendue, (reſerving for Fort *Granville* as aforeſaid) and to apply the Money ariſing by ſuch Sale towards paying ſuch Arrears, and defraying the Expence of Navigation.

Receivers of Port *Bath* to deliver to the Commiſſioners all the Powder and Lead in their Hands, to be ſold for defraying the Expence of Navigation, &c.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners, when required, ſhall lay an Account of their Proceedings, Tranſactions, and Diſburſements, before the General Aſſembly.

Commiſſioners to lay an Account of their Proceedings before the Aſſembly.

CHAP. X.

An Act, to impower and direct the Commiſſioners of the Diſtricts herein after mentioned, to lay out and make new Roads.

Private.

I. WHEREAS a Public Road from *Anſon* County to *Livingſton*'s Creek Bridge, on the Bounds of *New-Hanover* County, would be of great Uſe and Benefit, as well to the Inhabitants of *Anſon* County, as to thoſe reſiding on the Little *Pee-Dee*, *Drowning* Creek, *White Marſh*, and Parts adjacent, in *Bladen* County, for tranſporting their Produce in the moſt convenient Manner to Market;

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Commiſſioners of the *White Marſh* Diſtrict, or the Majority of them, ſhall, within Six Months next after paſſing this Act, finiſh laying or ſtaking out, or cauſe to be ſtaked out in the moſt convenient Manner, the Road already begun from the *Eaſt* End of the *White Marſh* Cauſway, to *Livingſton*'s Creek Bridge aforeſaid; and that the ſaid Commiſſioners, or the Majority of them,

A. D. 1759. ſhall alſo, within Twelve Months next after the paſſing of this Act, lay or ſtake out, or cauſe to be ſtaked out, a Road from the *Weſterly* End of the *White Marſh* Cauſway, to the dividing Line between *Anſon* and *Bladen* Counties, in the moſt convenient Manner for the Inhabitants of *Anſon* as ſhall be agreed on by the Majority of the Commiſſioners of the *White Marſh* Diſtrict, with Mr. *John Hamer*, *Charles Robinſon*, and *Morgan Brown*, or the Majority of them; and in Caſe of Failure or Neglect thereof within the Times aforeſaid, they ſhall forfeit and pay the Sum of Twenty Pounds Proclamation Money, for ſuch Neglect; and in ſuch Caſe it ſhall and may be lawful for the Court of either County to appoint and agree with Three ſuch Perſons, or more, as they ſhall think proper, to lay or ſtake out the ſaid Road, who ſhall be paid out of the Forfeiture aforeſaid; and the Road ſo laid out by the Authority of ſuch Court, ſhall be, to all Intents and Purpoſes, the High Road, as effectual as if the ſame had been laid out by the Commiſſioners as aforeſaid.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners of the Roads for the firſt Diſtrict in *Bladen* County, are hereby required, within Two Years next after the paſſing of this Act, to cauſe all Perſons liable to work upon the Roads from *Livingſton*'s Creek to a ſmall Creek or Run called *Plummer*'s Run, near *Carver*'s Creek, to open and make the ſaid Road, and to make all ſuch Bridges that may be neceſſary from *Livingſton*'s Creek Bridge aforeſaid, to a Pine Tree Two Miles to the *Eaſtward* of *Fryer*'s Swamp: Which ſaid Pine Tree is hereby declared to be the Dividing Line between the firſt Diſtrict in *Bladen* County, and the *White Marſh* Diſtrict aforeſaid; and that the Commiſſioners of the *White Marſh* Diſtrict are alſo hereby required, within Two Years next after the paſſing of this Act, to cauſe the ſaid Road to be opened and made, and to make, or cauſe to be made, all ſuch Bridges that may be neceſſary, from the Pine Tree aforeſaid, through the ſaid Swamp, to the *Eaſt* End of the *White Marſh* Cauſway aforeſaid: And alſo, that the ſaid Commiſſioners of the *White Marſh* Diſtrict, are likewiſe hereby required, within Three Years next after the paſſing of this Act, to cauſe the ſaid Road to be opened and made; and to make, or cauſe to be made, all ſuch Bridges that may be neceſſary, from the *Weſt* End of the *White Marſh* Cauſway, to ſuch Place on the dividing Line between *Bladen* and *Anſon* Counties, as ſhall be agreed on by the Majority of the Perſons herein before mentioned.

IV. AND whereas a Road on the *South Weſt* Side of *Black* River, in *Bladen* County, from the lower Boundary of the ſaid County up the ſaid River to *Thomas Devaun*'s Ferry, and from thence to *Jones*'s Creek Bridge, would prove very beneficial to the Inhabitants of ſaid County, and others; *Be it further Enacted, by the Authority aforeſaid*, That *Iſaac Jones*, *Joſeph Howard*, and *Thomas Devaun*, Jun. be, and they are hereby appointed Commiſſioners of the Roads for the *Black* River Diſtrict, in *Bladen* County, with the ſame Powers and Authorities, and liable to the ſame Penalties and Duties as any other Commiſſioners: Which ſaid Commiſſioners are hereby required, within Two Years after the paſſing of this Act, to cauſe all Perſons in the ſaid Diſtrict liable to work upon the Roads, to open and make a Road on the *Southweſt* Side of *Black* River, from the lower Boundary of *Bladen* County up the ſaid River to *Thomas Devaun*'s Ferry, and from thence to *Jones*'s Creek Bridge.

V. *AND*

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V. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe the Commiſſioners of the Roads of the ſaid Diſtricts, or either of them, ſhall refuſe or neglect to make, or cauſe to be made, the Roads aforeſaid, then, and in ſuch Caſe, they, or either of them, ſo neglecting or refuſing, ſhall forfeit and pay the Sum of Thirty Pounds Proclamation Money; and that the Fines and Forfeitures becoming due by Virtue of this Act, ſhall be recovered by an Action of Debt, in ſuch Court wherein it is cognizable, by any Perſon who will ſue for the ſame; wherein no Eſſoign, Injunction, Protection, or Wager of Law ſhall be allowed or admitted of.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That one Fifth Part of all Fines and Forfeitures becoming due by Virtue of this Act, ſhall be to the Perſon or Perſons ſuing for the ſame; the other Four Fifths ſhall be applied by the Court wherein it is recovered, for and towards making the Road in ſuch Diſtrict where the ſame ſhall or may become forfeited.

VII. *AND be it further Enacted*, That *Robert Rowan*, *John Gibbs*, *John Burgwin*, *John Turner*, and *David Morley*, be, and are hereby appointed Commiſſioners of the *White Marſh* Diſtrict, with the ſame Powers and Authorities, and liable to the ſame Penalties and Duties, as any other Commiſſioners.

CHAP. XI.

An Act, to eſtabliſh Warehouſes for the Inſpection of Tobacco in the County of Dobbs; *and other Purpoſes.*

Preamble.

I. WHEREAS eſtabliſhing Warehouſes for the Public Inſpection of Tobacco in the County of *Dobbs*, will encourage Commerce, promote the Navigation of *Neuſe* River, and be advantageous to many Planters and others in the ſaid County:

Warehouſes where to be built.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Juſtices of the ſaid County of *Dobbs* ſhall, and they are hereby impowered and directed, to cauſe to be built and erected Warehouſes and other Conveniences fit and neceſſary for the Reception, Inſpection, and ſafe-keeping of Tobacco, at the ſeveral Places herein after mentioned; that is to ſay, At *Atkins*'s Banks, on the Land of *William Herritage*; and at *Cotentnea*, on the Land of *Abraham Shepherd*, both under one Inſpection; and at *Fellow*'s Ferry, on the Land of *Robert Fellow*: And the ſaid Warehouſes when ſo built and erected, ſhall, and they are hereby declared to be Public Warehouſes and proper Places for the Reception, and Public Inſpection of Tobacco.

Inſpectors to be appointed.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the ſaid County of *Dobbs* ſhall, from Time to Time, appoint Inſpectors to attend the ſaid Inſpections, and to direct and order how the ſaid Inſpectors ſhall give their Attendance at the ſaid Inſpections reſpectively; and the ſaid Inſpectors ſhall be under the ſame Regulations, Rules and Reſtrictions, and intitled to the ſame Emoluments, as are by Law appointed for Inſpectors of Tobacco in this Province.

IV. *AND*

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Their Salaries.

IV. *AND be it further Enacted, by the Authority aforeſaid,*, That there ſhall be paid, Yearly, to the ſeveral Inſpectors attending the ſaid Inſpections, the following Sums, *to wit*, to the Inſpectors attending at *Atkins*'s Banks, and at *Cotentnea*, Twelve Pounds Proclamation Money, each; and to the Inſpectors attending at *Fellow*'s Ferry, Eight Pownds, like Money, each, for their reſpective Salaries.

Warehouſe diſcontinued, and another erected.

V. AND whereas the Public Warehouſe at *Buxton*'s, in *Northampton* County, is ſituated at a Place inconvenient for the Inhabitants of the ſaid County; and alſo, is much out of Repair; *Be it further Enacted, by the Authority aforeſaid*, That the ſaid Warehouſe ſhall be diſcontinued; and the Juſtices of the ſaid County of *Northampton* ſhall, and are hereby required, to cauſe a Warehouſe to be erected and built on the Land of *Thomas Pace*, on *Roanoke* River, in the ſaid County, and appoint Inſpectors to attend the ſame: Which Warehouſe, when erected, ſhall be deemed a Public Warehouſe; and the Inſpectors appointed to attend the ſame, ſhall be under the ſame Rules, Regulations and Reſtrictions, as other Inſpectors of Tobacco in this Province; and the Warehouſe when erected, and the Warehouſes in the ſaid County, commonly called *Jones*'s Warehouſes, ſhall be under one Inſpection.

Under one Inſpection with *Jones*'s Warehouſes.

Clauſe of an Act of Aſſembly repealed.

VI. AND whereas by one Clauſe of an Act of Aſſembly paſſed in the Thirty firſt Year of his preſent Majeſty's Reign, intituled, *An Act, for further amending the Act, intituled*, 'An Act, for amending the Staple of Tobacco, and preventing Frauds in his Majeſty's Cuſtoms;" the ſelling and bartering Tobacco before the ſame hath been viewed and inſpected, is prohibited, under the Penalty of Twenty Shillings, Proclamation Money, for every Hundred Weight, and ſo proportionably for a greater or leſs Quantity; which hath been found to be inconvenient; *Be it therefore further Enacted, by the Auhority aforeſaid*, That the ſaid Clauſe of the ſaid recited Act, from and after the paſſing of this Act, ſhall be, and is hereby repealed.

Acts continued.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That ſo much of the afore recited Act as is not hereby repealed, one other Act, intituled, *An Act, to reſtrain the Exportation of bad and unmerchantable Tobacco, and for preventing Frauds in his Majeſty's Cuſtoms*; one other Act, intituled, *An Act, to amend an Act, intituled*, "*An Act, to reſtrain the Exportation of bad and unmerchantable Tobacco, and for preventing Frauds in his Majeſty's Cuſtoms*; and one other Act, intituled, *An Act, for eſtabliſhing a Warehouſe for the Inſpection of Tobacco, on the Land of* Thomas Barnes, *in the County of* Halifax, *and other Purpoſes*; and all the Powers and Authorities in them reſpectively mentioned, ſhall remain and continue in Force until the Firſt Day of *March*, in the Year of our Lord One Thouſand Seven Hundred and Sixty-five, and from thence to the End of the next Seſſion of Aſſembly; any Thing in the ſaid Acts contained to the contrary notwithſtanding.

CHAP.

A. D. 1759.

CHAP. XII.

An Act, for appointing Commiſſioners for finiſhing the Court-houſe already begun in the Town of Newbern, *and for other Purpoſes.*

Private. I. WHEREAS the Court-houſe for the County of *Craven*, already begun in the Town of *Newbern*, now lies in a ruinous Condition, and the Work not carried on, by Reaſon of the Commiſſioner appointed by Act of Aſſembly for that Purpoſe, wholly neglecting the ſame:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Honourable *Richard Spaight*, Eſq; *John Fonvielle*, *Thomas Graves*, *John Clitherall*, *Edmund Hatch*, *Richard Fenner*, and *Jacob Blount*, Eſquires, be, and are hereby appointed Commiſſioners, for carrying on, and fully compleating the ſaid Court-houſe, agreeable to the firſt Plan of the ſame; and that they publickly adverti ſe the Building to be let to the loweſt Bidder, giving a reaſonable Time of Notice; and that whoever may undertake the ſaid Court-houſe, to give Bond and Security to the Juſtices of the ſaid County of *Craven*, and their Succeſſors, for compleatly finiſhing the ſame in a limited Time, by the ſaid Commiſſioners, or a Majority of them, to be agreed on.

III. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the ſaid Commiſſioners, or a Majority of them, and they, or the Majority of them, are hereby required and directed, to call all Perſons who have any Monies in their Hands, that have been, or may be levied for building the ſaid Court-houſe, to account for the ſame; and that on their Neglect or Refuſal to pay the ſame, that the like Method and Proceedings may be had againſt them by the ſaid Commiſſioners, as are to be had by the Laws of this Province againſt Perſons who have Public Monies in their Hands and refuſe or Neglect to account for and pay the ſame.

IV. AND whereas by an Act of Aſſembly, intituled, *An Act, for the better Regulation of the Town of* Newbern, *and ſecuring the Titles of Perſons who hold Lots in the ſaid Town*, the Commiſſioners of the Town of *Newbern* are directed to lay a Tax on the Inhabitants thereof for clearing the Streets, making Public Wharfs, and for keeping the ſame in Repair, which has not been found to anſwer the good Purpoſes intended by the ſaid Act; *Be it therefore Enacted, by the Authority aforeſaid*, That from and after the paſſing this Act, the male Taxables of the Inhabitants of the ſaid Town of *Newbern*, ſhall be liable to work on the Streets thereof, make Public Wharfs, and keep the ſame in Repair, in Lieu of paying the ſaid Tax; any Law, Cuſtom or Uſage to the contrary notwithſtanding. And that the Commiſſioners of the ſaid Town are hereby required and directed, to appoint an Overſeer; and, by Warrant under their Hands and Seals to him directed, to warn all the male Taxables of the ſaid Town to work on the Streets, make Public Wharfs, and repair the ſame as often as they may require it, not exceeding Twelve Days in the Year: And whoever ſhall refuſe to meet and work on the Streets as aforeſaid, or to procure

A. D. 1759. procure a Perſon to work for him, ſhall forfeit and pay Two Shillings and Eight Pence, for each and every Day he ſhall neglect to work as aforeſaid; to be recovered before any Magiſtrate of the County of *Craven* by the ſaid Overſeer, and applied towards hiring a Perſon to work on the ſaid Streets in the Room of him ſo neglecting or refuſing to work as aforeſaid; and the ſaid Overſeer is hereby directed and required to keep an exact Account of the Delinquents, and return the ſame, on Oath, to the Commiſſioners, once in Three Months, on Penalty of Five Pounds, for every Neglect; to be recovered by Action of Debt, in any Court of Record, by the ſaid Commiſſioners, and applied to the Common Stock of the ſaid Town.

CHAP. XIII.

An Act, for eſtabliſhing a Town on the Land formerly granted to William Churton, *Gentleman, lying on the* North *Side of the River* Enoe, *in the County of* Orange.

Private. I. WHEREAS it hath been repreſented to the Aſſembly by Petition, that in the Year of our Lord One Thouſand Seven Hundred and Fifty-four, Four Hundred Acres of Land was granted to Mr. *William Churton*, which was afterwards laid off by him into a Town and Common; and that Part of the ſaid Four Hundred Acres hath been likewiſe laid out into Lots of One Acre each, on ſome of which good habitable Houſes have been erected; and that by Reaſon of the Healthineſs of the ſaid Place, and convenient Situation thereof, for an inland Trade, the ſame might ſoon become conſiderable if it was erected into a Town by lawful Authority, to which the ſaid *William Churton*, who is now ſeized, in Fee, of the greateſt Part of the ſaid Four Hundred Acres, and thoſe who claim by Conveyance under him, having conſented:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid Four Hundred Acres of Land be, and the ſame is hereby conſtituted, erected, and eſtabliſhed a Town, and Town-Common, and ſhall be called by the Name of *Childſburg*.

III. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, *James Watſon*, *William Churton*, *William Reed*, Eſqrs. *William Nunn*, and *Daniel Cane*, Gentlemen, and every of them, be, and they, and every of them, are hereby conſtituted Directors and Truſtees, for deſigning, building, and carrying on the ſaid Town; and they ſhall ſtand ſeized of an indefeaſible Eſtate, in Fee, in the ſaid Four Hundred Acres of Land, to and for the Uſes, Intents and Purpoſes herein after expreſſed and declared; that is to ſay, That the ſaid Directors, or any Three of them, ſhall have full Power and Authority to meet, as often as they ſhall think neceſſary, and cauſe an exact Plan of Two Hundred Acres of the ſaid Land to be made, as near as may be agreeable to the Streets and Lots already laid out, and the Reſidue thereof ſhall be and remain for a Common thereto; and that the ſaid Directors ſhall inſert a Mark or Number on each Lot; which ſaid Plan ſhall be kept in ſome convenient Place in the ſaid Town, for the View of ſuch Perſons who have, or incline to have a Lot or Lots in the ſame.

IV. *AND*

IV. *AND be it further Enacted, by the Authority aforeſaid*, That when the ſaid Town ſhall be laid out, it ſhall and may be lawful for the ſaid *William Churton* to reſerve to himſelf, and have and keep to his own proper Uſe, Four Acres of the ſaid Town, lying to the *South-Eaſt* Corner thereof upon the River; Three Acres of which Four Acres, have formerly been laid out into Lots, and are now in the Plan of the ſaid Town, known and diſtinguiſhed by the Letters FG and H, and one other Acre betwixt thoſe Lots and the River, and bounded by the Lots Number 5, and the Letters FGH and the River; of which ſaid Lots the ſaid *William Churton* ſhall ſtand ſeized of an indefeaſible Eſtate of Inheritance, in Fee-ſimple, in the ſame Manner as if the ſaid Lots had been by him ſaved in Manner as hereafter directed by this Act, in Conſideration of the many Services he hath performed for the Inhabitants of the ſaid Town, and of his Labour, Expence, and Pains, in laying out the ſaid Town. *A. D.* 1759.

V. *PROVIDED neverthelefs*, That nothing in this Act contained ſhall be conſtrued or extend to grant Power to the ſaid Directors, or their Succeſſors, to diſpoſe of, or interfere with the Title or Titles of any Lot or Lots already ſaved in the ſaid Town, or for which any Perſon or Perſons have at the Time of paſſing this Act, a Deed of Sale, or Conveyance, ſigned and executed agreeable to Law, by the ſaid *William Churton*; but ſuch Deeds and Conveyances as aforeſaid, if the Lot or Lots therein mentioned has or have been ſaved in Manner as ſpecified in the ſaid Deed or Deeds from the ſaid *William Churton*, or ſhall be hereafter ſaved within Two Years after the paſſing of this Act, in the ſame Manner as the Lots hereafter to be granted are to be ſaved purſuant to the Directions of this Act, are hereby declared to be good and valid in Law, and the Grantee or Grantees ſhall have and enjoy an Eſtate, in Fee-ſimple, therein.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Directors, or a Majority of them, within one Month after the laying out the ſaid Town, and making a Plan of the ſame, ſhall appoint a Time, and give Public Notice thereof, and ſo, from Time to Time, as often as they ſhall think it neceſſary, to make Sale of any Lot or Lots therein lying vacant or unimproved (except thoſe reſerved to the ſaid *William Churton* as aforeſaid; and the Two Spring Lots in the ſaid Town, which ſhall not be ſold, but be left free for the Inhabitants of the ſaid Town to be ſupplied with Water) to the higheſt Bidder; and the ſaid Directors, or a Majority of them, ſhall make and execute Deeds for granting and confirming the ſame to ſuch Purchaſer, his Heirs and Aſſigns, for ever, at the Coſt and Charges of the Grantee to whom the ſame ſhall be conveyed, he or they paying, over and above the Purchaſe Money, Eight Pence Proclamation Noney, Yearly, for each and every Lot that ſhall be ſo conveyed; which ſhall be applied by the ſaid Directors, and their Succeſſors, to the Payment of the Quit-Rents due, or hereafter to be due, to the Earl of *Granville*, his Heirs and Aſſigns; and if any Overplus be remaining, the ſame ſhall be laid out for the Benefit and Improvement of the ſaid Town; and every Perſon claiming any Lot or Lots by Virtue of any ſuch Conveyance, ſhall and may hold and enjoy the ſame in Fee-ſimple.

VII. *PROVIDED neverthelefs*, That every Grantee of any Lot or Lots in the

A. D. 1759. the ſaid Town ſo conveyed, ſhall, within Two Years next after the Date of their Purchaſe, erect, build and finiſh, on each Lot ſo conveyed, one good habitable Houſe, Twenty Feet long, and Sixteen Feet wide, and Nine Feet Pitch in the Clear, with a Brick or Stone Chimney, in Caſe the Perſon building ſuch Houſe ſhall think it neceſſary to put any Chimney thereto, or proportionable to ſuch Dimenſions, if ſuch Grantee ſhall have Two or more contiguous: And if the Owner of any Lot ſhall not comply with the Directions by this Act preſcribed for building and finiſhing a Houſe thereon, then ſuch Lot ſhall be re-veſted in the ſaid Directors; and the ſaid Directors, or the Majority, may, and they are hereby impowered and authorized, to grant and convey the ſaid Lot to any Perſon or Perſons, in Fee-ſimple, who will take up the ſame, and ſhall be deſirous to become an Inhabitant of the ſaid Town, for the Conſideration of Twenty Shillings Proclamation Money, for each and every Lot ſo granted by them, and Eight Pence to be paid annually as aforeſaid; ſuch taker up of any ſuch Lot or Lots, complying in all Things with the Directions and Regulations before in this Act preſcribed, with Reſpect to building and finiſhing of a Houſe or Houſes on the ſaid Lot or Lots; otherwiſe the ſame may be again taken up by any other Perſon or Perſons under the like Conditions: And in Caſe of the Refuſal or Neglect of any Purchaſer, or of any Perſon who ſhall or may take up any Lot or Lots, to pay the Sum agreed for, the ſaid Directors, or their Succeſſors, ſhall and may commence and proſecute a Suit, in their own Names, for the ſame, and recover Judgment therein, with Coſts.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That *James Watſon*, Eſq; one of the Directors aforeſaid, ſhall be appointed preſent Treaſurer and Receiver of all Monies ariſing by Virtue of this Act; and on his Death, Removal out of the ſaid Town, or Refuſal to act, then the ſaid Directors, or the Majority of them, ſhall chooſe one other of the ſaid Directors to ſucceed him; and every Treaſurer ſhall firſt give ſufficient Security to the Juſtices of the County Court of *Orange* for the juſt Performance of the ſaid Truſt.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Directors, or a Majority of them, ſhall hereby have full Power and Authority to call any Perſon or Perſons to Account for any Sum or Sums of Money by them received, either by the Sale of any Lots formerly granted, or hereafter to be granted, or from the Ground-Rent chargeable on each Lot, and to receive the ſame, and give proper and full Diſcharges thereupon.

X. *AND be it further Enacted, by the Authority aforeſaid*, That all the Monies ariſing by the Sale or taking up of the ſaid Lots, after the Directors reaſonable Charges and Expences for their ſeveral Services are deducted, ſhall be appropriated, laid out, and applied to ſuch Uſe or Uſes as the ſaid Directors, or a Majority of them, ſhall think convenient, for the better Encouragement of the ſaid Town.

XI. AND for continuing the Succeſſion of the ſaid Directors until the ſaid Town ſhall be incorporated; *Be it Enacted, by the Authority aforeſaid*, In Caſe of the Death, Refuſal to act, or Removal out of the Town, of any of the ſaid Directors, the remaining Directors, or the Majority of them, ſhall aſſemble at the ſaid Town, and

and are hereby impowered, by Inſtrument in Writing under their reſpective Hands and Seals, to nominate ſome other Perſon, being a Freeholder of the ſaid Town, and reſiding therein, in the Place of him ſo dying, refuſing to act, or Removal out of the Town: Which new Director ſo nominated and appointed, ſhall, from thenceforth, have the like Power and Authority in all Things in the Matters herein contained, as if he had been expreſsly named and appointed in and by this Act. A. D. 1759.

CHAP. XIV.

An Act, to amend an Act, intituled, An Act, for building and maintaining of Court-houſes, Priſons and Stocks, in every County within this Province, and appointing Rules for each County Priſon for Debtors.

Preamble.

I. WHEREAS by one Act of Aſſembly paſſed in the Fifteenth Year of his preſent Majeſty, intituled, *An Act, for building and maintaining of Court-houſes, Priſons and Stocks, in every County within this Province, and appointing Rules for each County Priſon for Debtors,* it is, among other Things, Enacted, That every Perſon committed to Goal, (not for Treaſon or Felony) upon giving Bond and Security to the Sheriff of the County, may have the Liberty of the Rules of the Priſon to which he is committed; which Indulgence hath been greatly abuſed:

Method of Priſoners giving Bond for the Priſon Bounds, and Proceedings, in Caſe of Eſcape.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That all and every Bond or Bonds which ſhall hereafter be given in Purſuance of the ſaid Act by any Perſon or Perſons committed on a *Capias ad Satisfaciendum,* ſhall, by the Sheriff taking the ſame, be aſſigned by the Party at whoſe Inſtance ſuch Perſon or Perſons was or were committed to Goal, and ſhall be returned to the Office of the Clerk of the Court from whence ſuch Execution iſſued, there to be ſafely kept, and ſhall have the Force of a Judgment; and if any Perſon who ſhall obtain the Rules of any Priſon, upon giving Bond and Security as aforeſaid, ſhall eſcape out of the ſame before he ſhall have paid the Debt, or Damages and Coſts, according to the Condition of ſuch Bond, it ſhall be lawful, and full Power and Authority is hereby given to the Court where ſuch Bond is lodged, upon Motion of the Party for whom ſuch Execution iſſued, to award Execution againſt ſuch Perſon and his Securities for the Debt or Damages and Coſts, with Intereſt, to be computed from the Time of ſuch Eſcape till Payment: And no Perſon or Perſons whatſoever, who ſhall be committed to Goal on any ſuch Execution, ſhall have or be allowed the Rules of any Priſon, but ſhall be kept in ſafe Cuſtody in the Priſon to which he or they ſhall be committed, until the whole Debt or Damages, with Intereſt, and Coſts, ſhall be fully paid and ſatisfied: Any Thing in the ſaid Act contained to the contrary notwithſtanding.

Obligor to have 10 Days previous Notice.

III. *PROVIDED always,* That ſuch Obligor ſhall have Ten Days previous Notice of ſuch Motion in Writing, and the Obligors, in ſuch Caſe, ſhall not be admitted to plead *Non eſt Factum,* in their Defence, unleſs they ſhall, by Affidavit, prove the Truth of ſuch Plea.

SIGNED by ARTHUR DOBBS, Eſq; Governor.
JAMES HASELL, Preſident.
SAMUEL SWANN, Speaker.

A. D. 1760.

ANNO REGNI GEORGII II,

Regis, *Magnæ Britanniæ, Franciæ, & Hiberniæ,* Triceſſimo Tertio.

ARTH. DOBBS, Eſq; Governor.

At an ASSEMBLY, begun and held at *Newbern*, the Twenty-fourth Day of *April*, in the Thirty-third Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, *&c.* and in the Year of our Lord One Thouſand Seven Hundred and Sixty; being the Firſt Seſſion of this preſent Aſſembly.

CHAP. I.

An Act, to eſtabliſh Inferior Courts of Pleas and Quarter Seſſions, in the ſeveral Counties in this Province. REP.

CHAP. II.

An Act, for the better Care of Orphans, and Security and Management of their Eſtates. REP.

CHAP. III.

An Act, directing the Method of appointing Jurymen in all Cauſes, Criminal and Civil. EXP.

CHAP. IV.

An Act, for eſtabliſhing Veſtries. REP.

CHAP. V.

An Act, for making Proviſion for an Orthodox Clergy. REP.

CHAP.

CHAP. VI.

A. D. 1760.

An Act, to amend and improve the Navigation from Howard's *Bay in* New-River *in* Onſlow *County to* Bear-Inlet.

Private.

I. WHEREAS the Trade and Commerce of the ſaid County of *Onſlow*, will be greatly encouraged, increaſed, and benefited, if the Navigation from *Howard*'s Bay in *New-River* to *Bear* Inlet, was amended and improved, which may be affected at a ſmall Expence, ſo that loaden Pettiaguas and other Boats of Fifty Barrels Burthen or upwards, may paſs and repaſs from the ſaid River to the Inlet aforeſaid:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That *Richard Ward*, *Stephen Lee*, and *John Melton*, and the Majority of them, be, and they are hereby commiſſioned, authoriſed, and appointed, to contract and agree with ſuch Perſon or Perſons as ſhall be willing to undertake the ſame, for any Sum or Sums not exceeding One Hundred and Twenty Pounds Proclamation Money, to amend the ſaid Navigation in Manner aforeſaid, from *Howard*'s Bay in *New-River* to *Bear* Inlet.

III. AND for enabling the ſaid Commiſſioners to pay ſuch Sum or Sums of Money as they, or the Majority of them, ſhall contract or agree to pay ſuch Perſon or Perſons as ſhall undertake to amend the ſaid Navigation as aforeſaid; *Be it Enacted, by the Authority aforeſaid*, That the Receiver of the Duty on the Tonage of Veſſels coming into *Onſlow* County, appointed by Virtue of the Act of Aſſembly of this Province, intituled, *An Act for granting to his Majeſty a Duty upon the Tonage of Ships and other Veſſels coming into this Province for the Purpoſes therein mentioned*, ſhall ſell at Public Vendue ſo much of the Powder and Lead by him received in Purſuance of the aforeſaid Act, (not exceeding One Hundred and Twenty Pounds Proclamation Money in Value) as ſhall be ſufficient to pay and diſcharge ſuch Sum or Sums of Money as ſhall be contracted by the ſaid Commiſſioners, to be paid to ſuch Perſon or Perſons as they, or the Majority of them, ſhall agree with and employ to amend and improve the ſaid Navigation; and the Money ariſing by ſuch Sale, ſhall be paid by the aforeſaid Receiver to the ſaid Commiſſioners, or the Majority of them, and ſhall be by them applied for amending the aforeſaid Navigation.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That if the Powder and Lead in the Hands of the ſaid Receivers ſhall not amount to a ſufficient Sum, on being ſold at Vendue as aforeſaid, to pay and diſcharge ſuch Contracts or Agreements, not exceeding One Hundred and Twenty Pounds, which ſhall be made by the Commiſſioners aforeſaid, with any Perſon or Perſons for amending and improving the Navigation aforeſaid, the Juſtices of the Court of the ſaid County of *Onſlow* ſhall pay, or cauſe to be paid to the Commiſſioners aforeſaid, or the Majority of them, out of the County Tax, ſuch Sum or Sums of Money as ſhall, with the Money ariſing by the Sale of the Powder and Lead aforeſaid, be ſufficient to diſcharge ſuch Contract or Contracts made by the ſaid Commiſſioners, or the Majority of them, as aforeſaid.

V. *AND*

A. D. 1760. V. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid Commiſſioners, as often as required, ſhall account with the General Aſſembly for ſuch Money as ſhall be by them reſpectively received by Virtue of this Act.

CHAP. VII.

An Act, to confirm an Agreement made by the preſent Churchwardens and Veſtry of Edgcomb *Pariſh, in the County of* Halifax, *with the Revd. Mr.* Thomas Burgeſs.

Private. I. WHEREAS by Virtue of an Act of Aſſembly, paſſed at *Edenton* the Twenty-third Day of *November*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Eight, intituled, *An Act for making better Proviſion for the Clergy*, the Churchwardens and Veſtry of the Pariſh of *Edgcomb*, in the County of *Halifax*, did agree with the Reverend *Thomas Burgeſs*, in *October* laſt, to give and pay him the Sum of One Hundred Pounds Proclamation Money, *per Annum*, to officiate in the aforeſaid Pariſh, by performing Divine Service at the Church and Chapels or elſe-where in the ſaid Pariſh, as ſhould be required by the ſaid Veſtry, and perform every other Duty in the ſaid Pariſh which to the Office of Miniſter of the Church of *England* belongs; and alſo to pay the ſaid *Thomas Burgeſs* Twenty Pounds Proclamation Money, in Lieu of a Glebe, including in the whole One Hundred and Twenty Pounds Proclamation Money; in Conſideration of which, the ſaid *Thomas Burgeſs* covenanted to perform Divine Service at the Church and Chapels in the aforeſaid Pariſh, or elſe-where in the ſaid Pariſh as he ſhould be directed or required by the aforeſaid Veſtry or their Succeſſors; in Conſequence of which ſaid Agreement the aforeſaid *Thomas Burgeſs* hath officiated and performed Divine Service in the Church and Chapels within the ſaid Pariſh, from the Time of the Agreement aforeſaid, to the Approbation of the Veſtry and other Pariſhoners: Therefore,

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the ſaid Contract ſo made by and between the ſaid *Thomas Burgeſs* and the ſaid Churchwardens and Veſtry of the Pariſh of *Edgcomb* aforeſaid, is hereby confirmed, and ſhall be good and valid in Law, and ſhall be binding to all Intents and Purpoſes, as well on the ſaid *Thomas Burgeſs* as on the ſaid Churchwardens and Veſtry of the ſaid Pariſh, for and during the natural Life of the ſaid *Thomas Burgeſs*, or the Time the ſaid *Thomas Burgeſs* ſhall continue to be Miniſter thereof.

CHAP. VIII.

An Act, for enlarging the Time for Inſpection of Tobacco at the Publick Warehouſe in the Town of Halifax; *for increaſing the Salaries of the Inſpectors of the ſaid Warehouſe; for eſtabliſhing Warehouſes in the County of* Cumberland; *and other Purpoſes therein mentioned.*

Private. I. WHEREAS it has been repreſented to this Aſſembly, that by Reaſon of the great Quantities of Tobacco brought to the Inſpections at the Town of

of *Halifax* in the County of *Halifax*, the Inſpectors officiating at the ſaid Inſpection cannot diſcharge the Duty of their Office within the Time limited by the former Acts of Aſſembly of this Province: *A. D.* 1760.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the Firſt Day of *June* next, the Inſpectors of Tobacco for the aforeſaid Warehouſe, ſhall conſtantly attend the ſaid Warehouſe, from the Firſt Day of *October* next enſuing, until the laſt Day of *July* following, and ſo yearly from the Firſt Day of *October*, until the laſt Day of *July*, (Sundays and Holidays, or when hindered by Sickneſs, excepted) and ſhall receive and inſpect all Tobaccoes brought to the ſaid Warehouſe within the Time limited as aforeſaid, under the ſame Rules and Reſtrictions, and the like Pains and Penalties, as by the former Acts of Aſſembly of this Province are inflicted and directed; and that the ſaid Inſpectors, for their Service in attending the Inſpection, ſhall be paid the Sum of Forty Pounds Proclamation Money each, Annually, inſtead of the Salaries by the former Acts of Aſſembly ſpecified.

III. AND whereas the Warehouſes firſt erected has been found to be too ſmall for the Reception of the Tobaccoes brought to the ſaid Inſpection, and great Part thereof has been expoſed to the Injuries of the Weather for Want of ſufficient Houſe-Room to ſecure the ſame, to the great Damage of the Planters; and for Prevention of the like for the future, it has been thought requiſite and neceſſary by the Juſtices of the ſaid County, that one other Warehouſe ſhould be erected and built on the Lots aſſigned for the Purpoſes aforeſaid, which accordingly has been done, but the ſaid Juſtices by the Repeal of the Laws of this Province are rendered incapable of levying a Tax on the Inhabitants of the ſaid County for the Payment of the Money ſtipulated and agreed to be paid for the building the ſame; and it may be yet neceſſary to make additional Buildings on the Lots aforeſaid to anſwer the Intention of the before recited Act: *Be it therefore Enacted, by the Authority aforeſaid*, That the Inferior Court of Pleas and Quarter Seſſions ſhall have full Power and Authority, and they are hereby required to lay a Poll Tax on every Taxable Perſon in the ſaid County, as well for paying and ſatisfying the Money already due and owing for the Building of the new Warehouſe aforeſaid, as for the erecting and building ſuch other neceſſary Houſes as ſhall be by the ſaid Juſtices thought requiſite, to anſwer the Purpoſes aforeſaid; which ſaid Tax the Sheriff is hereby authoriſed and required to collect, in the ſame Manner as other Taxes are by Law to be collected, and pay the ſame to the Court or their Order.

IV. AND whereas it hath been found, by Experience, that the Method now eſtabliſhed by Law of appointing Inſpectors is very dificient in anſwering the Purpoſes of the ſaid Act, in Caſe any Inſpector, thro' Death, Sickneſs, or other Inability, ſhall be unable to diſcharge the Duties of his Office; *Be it therefore Enacted*, That it ſhall and may be lawful for any Magiſtrate of the ſaid County, upon Application made to him, to iſſue a Summons to any Two Juſtices of the ſaid County, who, together with himſelf or any Two of them, ſhall, and they are hereby authoriſed and required, to nominate and appoint one other Perſon to officiate as Inſpector in the Room of the Inſpector ſo dead or diſabled as aforeſaid; which ſaid Inſpector ſhall

A. D. 1760. be under the like Rules and Reſtrictions as other Inſpectors appointed by the Court; which ſaid Inſpector ſhall continue to execute the ſaid Office until the Court of the ſaid County ſhall nominate and appoint one other inſtead of the Inſpector deceaſed, or the Inability is removed; which ſaid Inſpector ſo appointed ſhall be intitled to a proportionable Part of the Salary by Law ſpecified for ſuch Inſpectors according to the Time they ſhall act therein.

V. AND whereas eſtabliſhing Warehouſes for the Public Inſpection of Tobacco in the County of *Cumberland*, will tend to the Encouragement of many Planters, and promote Trade; *Be it therefore further Enacted, by the Authority aforeſaid*, That the Juſtices of the ſaid County of *Cumberland* ſhall, and are hereby impowered and required, to cauſe to be erected and built, Warehouſes and other Conveniencies fit and neceſſary for the Reception, Inſpection, and Safe-keeping of Tobacco, on *Joſeph Leviſton*'s Land on the *North-Eaſt* Side of the *North-Weſt* Branch of *Cape-Fear* River, and on the Land of *John McPherſon*, on the oppoſite Side of the ſaid River; and the ſaid Warehouſes, when ſo built, ſhall be Public Warehouſes for the Reception and Inſpection of Tobacco.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Warehouſes ſhall be both under one Inſpection; and the Juſtices of the ſaid County of *Cumberland* ſhall, and are hereby impowered and directed, from Time to Time, to appoint Inſpectors to attend the ſaid Inſpection, and to direct and order how the ſaid Inſpectors ſhall give their Attendance at the ſame; and the ſaid Inſpectors ſhall be under the ſame Rules, Regulations, and Reſtrictions, and ſubject to the ſame Pains and Penalties, and intitled to the ſame Emoluments, as are by the Laws of this Province appointed for other Inſpectors of Tobacco.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the ſaid County ſhall and may levy ſuch a Poll Tax on the Taxable Perſons within the ſaid County, as ſhall be neceſſary for defraying the Expence of Building the ſaid Warehouſes and other Conveniencies; which ſhall be collected by the Sheriff of the ſaid County, in like Manner as Public Taxes are collected, and accounted for to the Court.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Inſpectors attending the ſaid Inſpection ſhall be allowed the Annual Salary of Eight Pounds Proclamation Money each.

IX. AND whereas by Reaſon of the great Quantities of Tobacco brought to *Howell*'s Warehouſe in *Edgcomb* County, to *Jones*'s and *Pace*'s Warehouſes, in *Northampton* County, to *Kahukee*, and to *Barnes*'s Warehouſes, in *Halifax* County, and to the Warehouſes in *Edenton*, the Inſpectors officiating at the ſame are obliged to a more conſtant Attendance than formerly; and the Salary by Law allowed them is not adequate to the Service they perform; *Be it therefore further Enacted, by the Authority aforeſaid*, That the Inſpectors reſpectively officiating at *Jones*'s and *Pace*'s Warehouſes, ſhall have and receive the Sum of Twenty-five Pounds; the Inſpectors officiating at *Kahukee*, and *Barns*'s Warehouſes, the Sum of Twenty Pounds; the

Inſpectors

Inſpectors attending at *Howell*'s Warehouſe, the Sum of Fifteen Pounds; and the Inſpectors attending the Warehouſes in *Edenton*, Fifteen Pounds, Proclamation Money each, inſtead of the Salaries now by Law allowed them. *A. D.* 1760.

X. *AND be it further Enacted, by the Authority aforeſaid*, That the Inſpectors officiating at the Warehouſe in *Edenton*, ſhall hereafter conſtantly attend at the ſaid Inſpection, at the ſame Times, and be in all Reſpects under the ſame Regulations, as the Inſpectors officiating at the Town of *Halifax*.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Salary which by Law is appointed to be paid to the Inſpectors who officiate at the Warehouſes at *Pitch-Landing* in the ſaid County of *Northampton*, henceforth ſhall be diſcontinued and ceaſe; and the ſaid Inſpectors, from and after the paſſing of this Act, inſtead thereof ſhall and may take and receive to their own Uſe, Three Shillings Proclamation Money, for each Hogſhead of Crop Tobacco, and Five Shillings like Money for every Hogſhead of Transfer Tobacco, which ſhall be inſpected at the ſaid Inſpection, and which at preſent is by Law directed to be paid to the Uſe of the County by the Exporter thereof; any Law or Uſage to the contrary notwithſtanding.

SIGNED by ARTHUR DOBBS, Eſq; Governor.

JAMES HASELL, Preſident.

SAMUEL SWANN, Speaker.

A. D. 1760.

ANNO REGNI GEORGII II, Regis, *Magnæ Britanniæ, Franciæ, & Hiberniæ,* Tricesſimo Tertio.

ARTH. DOBBS, Eſq; Governor.

At an ASSEMBLY, begun and held at *Newbern*, the Twenty-fourth Day of *April*, in the Thirty-third Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, *&c.* and from thence continued, by Prorogation, to the Twenty-ſixth Day of *May*, in the Year of our Lord One Thouſand Seven Hundred and Sixty; being the Second Seſſion of this preſent Aſſembly.

CHAP. I.

An Act, for eſtabliſhing Superior Courts of Pleas and Grand Seſſions, and regulating the Proceedings therein. REP.

CHAP. II.

An Act, for repealing an Act therein mentioned.

Preamble.

I. WHEREAS an Act of Aſſembly, intituled, *An Act, to prevent malignant and infectious Diſtempers being ſpread by Shipping, importing diſtempered Perſons into this Province, and other Purpoſes*, has been repreſented by the Petition of ſundry Merchants and others, and is found, by univerſal Experience, to be greatly prejudicial to the commercial Intereſt within this Province:

Act repealed.

II. *BE it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid recited Act, and each and every Clauſe therein, be, and is henceforth repealed, and declared null and void.

SIGNED by ARTHUR DOBBS, Eſq; Governor.

JAMES HASELL, Preſident.

SAMUEL SWANN, Speaker.

A. D. 1760.

ANNO REGNI GEORGII II,

Regis, *Magnæ Britanniæ, Franciæ, & Hiberniæ,* Triceſſimo Quarto.

At an ASSEMBLY, begun and held at *Newbern*, the Twenty-fourth Day of *April*, in the Thirty-third Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, *&c.* and from thence continued, by ſeveral Prorogations, to the Twenty-ſixth Day of *June*, in the Year of our Lord One Thouſand Seven Hundred and Sixty; to be then held at *Wilmington*: Being the Third Seſſion of this preſent Aſſembly.

ARTH. DOBBS, Eſq; Governor.

CHAP. I.

An Act, for granting an Aid to his Majeſty. *

VII. AND whereas there is not Money in the Public Treaſury to anſwer the Purpoſes aforeſaid, and the reduced State of the Province renders it impracticable to raiſe the ſame by an immediate Poll-tax; *Be it Enacted, by the Authority aforeſaid*, That the Honourable *John Swann*, and *Lewis DeRoſſett*, Eſqrs. and *Samuel Swann*, and *John Starkey*, Eſqrs. are hereby authoriſed, impowered, and

12000 l. emitted.

* The firſt VI Clauſes of this Act are obſolete, as they have had their Effect.

A. D. 1760. and required, to ſtamp or print and make out, or cauſe to be ſtamped or printed, and alſo to ſign with their Hands, Public Bills of Credit, to the Amount of Twelve Thouſand Pounds, at the Rate of Proclamation Money; that is to ſay, One Thouſand of Three Pounds, One Thouſand of Two Pounds, One Thouſand of Thirty Shillings, Two Thouſand of One Pound, Two Thouſand Three Hundred of Ten Shillings, Four Thouſand of Five Shillings, Five Thouſand of Two Shillings and Eight Pence, Twenty-five Hundred of Two Shillings, Four Thouſand of One Shilling, Four Thouſand Five Hundred of Eight Pence, Two Thouſand of Six Pence, and Two Thouſand of Four Pence, each; and ſhall receive for ſtamping or printing and making out, and ſigning the ſame, Two *per Cent.* and no more: And that the aforeſaid *John Swann*, *Lewis DeRoſſett*, *Samuel Swann*, and *John Starkey*, ſhall, before they ſtamp, print, or ſign any of the ſaid Public Bills of Credit, give their reſpective Bonds, with ſufficient Security, to our Sovereign Lord the King, his Heirs and Succeſſors, for the Uſe of the Province, in the Sum of Twelve Thouſand Pounds each, for the faithful Diſcharge of the Truſt in them repoſed by this Act; which Bonds ſhall be lodged in the Secretary's Office.

Denomination of the Bills.

Money to be lodged with the Treaſurers.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Bills of Credit, when ſo ſtamped or printed, and ſigned as aforeſaid, ſhall be delivered into the Public Treaſury of this Province; that is to ſay, Six Thouſand Pounds thereof to *John Starkey*, Public Treaſurer of the *Southern* Diſtrict, and the other Six Thouſand Pounds to *Thomas Barker*, Public Treaſurer of the *Northern* Diſtrict; and ſhall be applied to the Uſes and Purpoſes by this Act directed.

Bills a lawful Tender.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Bills of Credit ſhall be current, and a lawful Tender in all Payments whatſoever, as Proclamation Money.

Treaſurers to pay the Money, on the Governor's Warrant.

X. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Public Treaſurers, when directed, until the Sum of Seven Thouſand Pounds, by this Act granted for raiſing, paying and ſubſiſting the Companies aforementioned, ſhall be fully paid, ſhall make Payment in the ſaid Bills of Credit to ſuch Perſon or Perſons as the Governor or Commander in Chief, by his Warrant or Warrants, ſhall order and appoint to receive the ſame.

To be accounted for to the Aſſembly.

Perſons receiving it, to give Bond.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Perſon or Perſons who ſhall receive the ſaid Sum of Seven Thouſand Pounds, or any Part thereof, by Virtue of any Warrant or Warrants, ſhall account with the General Aſſembly for the ſame. And every ſuch Perſon or Perſons, before receiving the ſaid Money, ſhall enter into Bond, with good and ſufficient Security, to his Majeſty, his Heirs and Succeſſors, in double the Sum he ſhall ſo receive; with Condition, That he will account with the General Aſſembly for the Sum or Sums he ſhall receive from the ſaid Treaſurers, or either of them, by Virtue of ſuch Warrant; which Bond ſhall be taken by, and lodged with the Treaſurer who pays ſuch Money: And in Caſe of a Breach of the Condition thereof, may be put in Suit, and a Judgment being obtained thereon, the Money recovered, ſhall be applied towards defraying the contingent Charges of Government, in ſuch Manner as the General Aſſembly ſhall direct, and to no other Uſe whatſoever.

XII. *AND*

A. D. 1760.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Sum of Seven Thouſand Pounds ſhall, by the Direction of the Governor or Commander in Chief for the Time being, be applied to the particular Purpoſes by this Act herein before directed, if neceſſary; but if a leſs Sum ſhall be found ſufficient for the ſame, the Surplus ſhall be applied towards defraying the contingent Charges of Government, already allowed, or which ſhall hereafter be allowed by the General Aſſembly; and to no other Purpoſe whatſoever.

Surplus of the 7000 l. to be applied to Contingencies of Government.

XIII. AND for the greater Encouragement of Perſons as ſhall inliſt voluntarily to ſerve in the ſaid Companies, and other Inhabitants of this Province who ſhall undertake any Expedition againſt the *Cherokees*, and other *Indians* in Alliance with the *French*; *Be it further Enacted, by the Authority aforeſaid*, That each of the ſaid *Indians* who ſhall be taken a Captive during the preſent War by any Perſon as aforeſaid, ſhall, and is hereby declared to be a Slave, and the abſolute Right and Property of who ſhall be the Captor of ſuch *Indian*; and ſhall and may be poſſeſſed, paſs, go and remain to ſuch Captor, his Executors, Adminiſtrators and Aſſigns, as a Chattel perſonal: And if any Perſon or Perſons, Inhabitant or Inhabitants of this Province, not in actual Pay, ſhall kill an Enemy *Indian* or *Indians*, he or they ſhall have and receive Ten Pounds for each and every *Indian* he or they ſhall ſo kill; and any Perſon or Perſons who ſhall be in the actual Pay of this Province, ſhall have and receive Five Pounds for every Enemy *Indian* or *Indians* he or they ſhall ſo kill; to be paid out of the Treaſury: Any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Indians taken, to be Slaves.

Premium for killing Enemy *Indians*.

XIV. *PROVIDED always*, That any Perſon claiming the ſaid Reward before he be allowed or paid the ſame, ſhall produce to the Aſſembly the Scalp of every *Indian* ſo killed, and make Oath, or otherwiſe prove that he was the Perſon who killed, or was preſent at the killing the *Indian* whoſe Scalp ſhall be ſo produced; and that he hath not before had or received any Allowance from the Public for the ſame: And as a further Encouragement, ſhall alſo have, and keep to his or their own Uſe or Uſes, all Plunder taken out of the Poſſeſſion of any Enemy *Indian* or *Indians*, or within Twenty Miles of any of the *Cherokee* Towns, or any *Indian* Town at War with any of his Majeſty's Subjects.

Reward how to be recovered.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That Two Thouſand Pounds, of the Remainder of the aforeſaid Twelve Thouſand Pounds, ſhall be, and is hereby appropriated to and for the Payment of the aforeſaid Rewards, to ſuch Perſon and Perſons as by killing any of the aforeſaid *Indians*, ſhall be intitled to receive the ſame; but if a leſs Sum ſhall be found ſufficient for the ſaid Purpoſe, the Surplus ſhall be applied towards paying the ſeveral Creditors of the Public ſuch Claims as already have been, or ſhall be allowed by the General Aſſembly, and to any other Purpoſe: And the Reſidue of the ſaid Twelve Thouſand Pounds, is hereby appropriated to and for the Payment of the Debts of the Public, chargeable on the contingent Fund, and ſhall not be otherwiſe applied.

2,000 l. appropriated for paying Premiums for *Indians* killed.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon ſhall forge or counterfeit any of the ſaid Bills of Credit, or ſhall paſs or utter the

Pen. for counterfeiting Bills.

A. D. 1760.

the ſame in Payment or Exchange, knowing the ſame to be forged or counterfeited, the Offender therein being lawfully convicted, ſhall be adjudged a Felon, and ſuffer as in Caſes of Felony, without the Benefit of Clergy.

Tax laid for raiſing 12,000 l.

XVII. AND for redeeming the ſaid Public Bills of Credit; *Be it Enacted, by the Authority aforeſaid*, That a Poll-tax of One Shilling, be laid on every taxable Perſon within this Province, to commence on the Firſt Day of *January*, One Thouſand Seven Hundred and Sixty Three, and to continue until the Whole Sum to be emitted by this Act ſhall be paid in and burnt; which ſaid Tax ſhall be collected by the Sheriffs of the ſeveral Counties, and accounted for and paid to the Treaſurers of the ſeveral Diſtricts, in the ſame Manner, and under the like Penalties, as are by Law directed for the collecting, accounting for, and paying other Public Taxes.

CHAP. II.

Examined

An Act, for appointing a Militia.

Preamble.

I. WHEREAS it requires a Militia to be appointed, for the Defence of the Country, at this critical Juncture;

Militia to conſiſt of all Freemen & Servants.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That all Freemen and Servants within this Province, between the Age of Sixteen and Sixty, ſhall compoſe the Militia thereof; and that the ſeveral Captains of the ſame, ſhall enroll the Names of all ſuch Freemen and Servants of which their ſeveral Companies conſiſt; and ſhall, at their reſpective General Muſters, return a Copy thereof to the Colonel of their reſpective Regiments, under the Penalty of Five Pounds Proclamation Money; to be levied by a Warrant from the Colonel of the Regiment, directed to the Sheriff of the County to which the ſaid Regiment ſhall belong; which Sheriff ſhall be paid, out of the ſaid Penalty, the Sum of Twenty Shillings: And in Caſe any Sheriff ſhall neglect or refuſe to ſerve ſuch Warrant, he ſhall forfeit and pay the Sum of Five Pounds; to be recovered by Action of Debt, in any Court of Record, and to be applied as herein after directed; which Copy ſo returned, ſhall, by every Colonel, be returned to the Governor or Commander in Chief for the Time being, under the like Penalty: And that all Perſons after being ſo enrolled, who ſhall at any Time (unleſs rendered incapable by Sickneſs or other Accident) neglect or refuſe, when called upon, to appear at ſuch Times and Places where ordered by the Colonel or Commanding Officer, there to be muſtered, trained, and exerciſed in Arms, and be provided with a well-fixed Gun, ſhall forfeit and pay, if at a private Muſter, Six Shillings, if at a general Muſter, Ten Shillings; and ſhall alſo be provided with a Cartouch-Box, a Sword, Cutlaſs or Hanger, and have at leaſt Nine Charges of Powder, (made into Cartridges) and fizable Bullets or Swan-Shot, and Three ſpare Flints, a Worm and Picker, under the Penalty, if at a private Muſter, the Sum of Three Shillings, if at a general Muſter, Five Shillings; to be levied by a Warrant from the Captain of the Company, directed to the Serjeant of the ſame, who ſhall make a Return thereof to the Captain; which Serjeant ſhall deduct Two Shillings for every Fine ſo levied: And in Caſe ſuch Serjeant or Serjeants ſhall neglect or refuſe to ſerve any

Pen. on Perſons inrolled, neglecting to appear at Muſters.

Warrant

Warrant or Warrants to him or them ſo directed, he or they, for ſuch Neglect or Refuſal, ſhall be fined Forty Shillings; to be recovered by a Warrant from the Captain, directed to any other Serjeant, under the ſame Penalty; to be accounted for and applied as other Fines in this Act directed. *A. D.* 1760.

III. *PROVIDED always*, That every Abſentee ſhall be allowed till the next ſucceeding Muſter to make his Excuſe, before the Captain ſhall iſſue his Warrant, unleſs againſt ſuch Defaulters as he may ſuſpect are about removing themſelves out of the County; in which Caſe, it ſhall and may be lawful for the Captain to iſſue a Summons, to cauſe ſuch ſuſpected Perſon to appear before him to make his Excuſe for ſuch Abſence; and upon hearing the ſame, or upon the Perſon's refuſing to obey ſuch Summons, the Captain ſhall then proceed as to him ſhall ſeem juſt: And every Perſon that ſhall be fined by Virtue of this Act, and ſhall think himſelf injured by his Officers, may appeal to the next Court-Marſhal, firſt giving Security to appear and abide by the Judgment of the ſaid Court; and if Judgment ſhall be againſt him, that he will then there pay the Fine, with Two Shillings Coſts.

Proviſo, for Delinquents to make their Excuſe.

IV. *PROVIDED alſo*, That no Member of his Majeſty's Council, no Member of the Aſſembly, no Miniſter of the Church of *England*, no *Preſbyterian* Miniſter regularly called to any Congregation in this Province, no Juſtices of the Superior Courts, Secretary, practiſing Attorney, no Man who has bore a military Commiſſion as high as that of a Captain, or commiſſioned Officer who has ſerved in the Army, no Juſtice of the Peace, no Clerks of the Court of Juſtice, practiſing Phyſician, Surgeon, Ferryman, Overſeer, having the Care of Six Slaves, Inſpectors, or Public Millers, ſhall be obliged to inliſt themſelves, or appear at ſuch Muſters.

Perſons exempt from muſtering.

V. *AND be it further Enacted, by the Authority aforeſaid*, That if the Captain, Lieutenant, or Enſign, or any Two of them, ſhall adjudge any Perſon or Perſons, enrolled as aforeſaid, to be incapable of providing and furniſhing him or themſelves with the Arms, Ammunition and Accoutrements, required by this Act; every ſuch Perſon ſhall be exempt from the Fines and Forfeitures impoſed by Virtue of this Act, until ſuch Arms, Ammunition and Accoutrements, ſhall be provided for and delivered him by the Court-Martial; to be paid for out of the Fines already collected, and that may hereafter be collected.

Proviſion for Perſons to be provided with Arms, who are incapable to buy them themſelves.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Captain of every Company within this Province, ſhall, and they are hereby required, to chooſe a Clerk, Three Serjeants, Three Corporals, and a Drummer, for the ſaid Company: Which ſaid Clerk ſhall give his Attendance, with his Sword by his Side, on every Muſter-Day, and call over the Roll of the Company, and take Notice of the Perſons who are abſent on each of the ſaid Muſter-Days; and return, upon Oath, a true Liſt of the Abſentees to his Captain; and ſhall alſo, before the Company proceed to their Exerciſe, read diſtinctly, and, with an audible Voice, at the Head of his Company, this Act; and if the Clerk, Serjeants or Corporals, or any of them ſo choſen, ſhall refuſe to act in the Office he is appointed to, he ſhall forfeit and pay the Sum of Forty Shillings.

Captains to appoint Clerks.

A. D. 1760.

Insurrections to be oppoſed by the Militia.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That in Caſe of any Inſurrection within this Province, or Invaſion, it ſhall and may be lawful for the Governor or Commander in Chief for the Time being, or any Field-Officer by him directed, to raiſe all or ſo many of the Militia as ſhall be thought neceſſary for oppoſing ſuch Inſurrection or Invaſion; and the Militia ſo raiſed, ſhall perform ſuch Duty or Service as they ſhall be required to do by their Commanding Officer; and it is hereby required and directed, that the ſaid Militia ſhall appear furniſhed with Arms, Ammunition, and Accoutrements as aforeſaid.

Pen. on Perſons neglecting to appear, on Inſurrections.

VIII. *AND be it further Enacted, by the Authority aforeſaid,* That every Perſon who ſhall neglect or refuſe, on Call or Alarm given, to appear at ſuch Times and Places as ſhall be appointed by his Captain or other Officer, ſhall forfeit and pay Ten Pounds, Proclamation Money; to be levied by a Warrant from the Colonel or Commanding Officer for that Service, directed to the Sheriff of the County where the Offender reſides: And ſuch Sheriff, who is hereby required and directed to execute the ſame, ſhall, for every Neglect or Refuſal, forfeit and pay the Sum of Ten Pounds, Proclamation Money; to be recovered by Action of Debt, in any Court of Record in this Province. And any Perſon who ſhall refuſe to march againſt the Fnemy, when commanded, or refuſe or neglect to do his Duty, or perform the Service he is put upon by ſuch Captain or other Officer, or ſhall quit his Poſt, deſert his Colours, or Mutiny; it ſhall and may be lawful for One Field-Officer, or more, Four Captains, Four Lieutenants, and Four Enſigns, or the Majority of them, openly to hold a Court-Martial; firſt taking the following Oath:

Court Matial to be held.

Their Oath.

YOU ſhall ſwear, well and truly to try and determine, according to your Evidence in the Matter now before you, between our Sovereign Lord the King, and the Priſoner to be tried. So help you God.

Offender to be puniſhed.

And on Trial and Conviction, to puniſh the Offender according to Law, as the Nature of the Offence may require; (Death excepted) and for Want of ſuch Number of Officers to compleat a Court-Martial, the Offender ſhall be kept under a Guard until ſuch Time as there are a ſufficient Number to hold a Court-Martial as aforeſaid.

PrivateMensPay.

IX. *AND be it further Enacted, by the Authority aforeſaid,* That the private Men, when on Duty, and in the actual Service of their Country, more than Six Days, ſhall be allowed One Shilling *per* Day, each.

Captain to muſter his Company.

X *AND be it further Enacted, by the Authority aforeſaid,* That every Captain of a Company ſhall, twice within Six Months, at ſuch Times and Places within their ſeveral Diſtricts as their reſpective Colonels ſhall appoint, muſter his Company, and ſee that every Soldier in his ſaid Company be furniſhed with ſuch Arms, Ammunition and Accoutrements, as in and by this Act is directed; under the Penalty of Five Pounds for each Muſter he ſhall neglect; to be levied by Warrant from the Colonel or commanding Officer of the County; and to be applied as by this Act is directed; and that each and every Company ſhall conſiſt of not leſs than Fifty Men, excluſive of Officers.

XI. *AND*

Officers to be reſident in their County.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That all Officers of the Militia ſhall be reſident in the County for which they are appointed Officers.

Pen. on Soldiers reſiſting their commanding Officer.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Soldier ſhall, during the Time of Muſter, reſiſt his Commanding Officer, or refuſe his lawful Commands; ſuch Soldier ſhall be puniſhed at the Diſcretion of his Officer, by being tied Neck and Heals, not exceeding Fifteen Minutes, picqueted, or ride the Wooden-Horſe; and if any Officer or Soldier ſhall refuſe to carry ſuch Commands into Execution, he or they ſo offending, ſhall forfeit and pay the Sum of Five Pounds; to be levied by a Warrant from any Field-Officer in the Regiment, and applied as other Fines mentioned in this Act.

Troop of Horſe may be formed.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Number of Men, not leſs than Thirty, nor exceeding Sixty, including Officers, belonging to any of the Regiments within this Province, ſhall deſire to form themſelves into a Troop of Horſe; it ſhall and may be lawful for ſuch Perſons, by and with the Aſſent of the Colonel of the Regiment, to form themſelves into a Troop, and give a Liſt of their Names to the Colonel, who ſhall forthwith return the ſame, under his Hand and Seal, to the Governor or Commander in Chief of this Province for the Time being; and it ſhall and may be lawful for the ſaid Governor or Commander in Chief, to appoint and commiſſionate a Captain, Lieutenant and Cornet, to the ſaid Troop; and when the Commanding Officers of the ſaid Troop are ready, and ſhall exerciſe the ſaid Troop, and not before, the Perſons ſo enrolled in the ſaid Troop, ſhall be, and are exempt from their Service in the Foot Companies; and the Officers and private Men of the ſaid Troop, ſhall afterwards be ſubject to muſter as many Times, as well with Regard to private Muſters as to the General Muſter of the County, and under the ſame Penalties as in and by this Act before directed for the Foot to muſter.

Troopers Accoutrements.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That every Trooper ſhall be provided with a good ſerviceable Horſe, not leſs than Fourteen Hands high, with a good Bridle, Saddle, Holſters, Houſing, Breaſt-Plate, and Crupper, a Caſe of good Piſtols, a good Broad-Sword, Twelve Charges of Powder, Twelve ſizeable Bullets, a Pair of Shoe-Boots, with ſuitable Spurs, and a Carbine well fixed, with a good Belt, Swivel and Bucket.

Gen. Muſters to be once in Five Months.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That the Colonels of each and every Regiment ſhall, once within Five Months, cauſe a General Muſter to be made of their reſpective Regiments, at ſuch Times and Places within the ſeveral Counties as they ſhall think proper to appoint; which, if any of them ſhall fail or neglect to do, and fail to appear at ſuch Muſters, (Sickneſs or Accident excepted) he or they ſo offending, ſhall forfeit and pay the Sum of Twenty Pounds; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province; one Half thereof to ſuch Perſon who ſhall ſue for the ſame, and the other Half to be applied as other Fines in this Act directed.

XVI. *AND*

A. D. 1760.

Court-Martial to be held after General Muſter.

XVI. *AND be it further Enacted, by the Authority aforeſaid,* That it ſhall and may be lawful for the Field Officers and Captains of every County, or the major Part of them, whereof the Colonel, Lieutenant-Colonel, or Major, ſhall be one; and they are hereby required to meet at the Court-Houſe or Place of General Muſter of their Counties, reſpectively, on the Day next following the reſpective General Muſter which ſhall be in their Counties, then and there to hold a Court-Martial: Which ſaid Court ſhall have full Power to enquire into the Age and Abilities of all Perſons inliſted, and to exempt ſuch as they ſhall judge incapable of Service, and of all Neglects and Omiſſions, as well by any Officer as Delinqent; and to hear and determine all Appeals which ſhall be made to the Court from any Officer or Soldier who may think himſelf unjuſtly fined by his Captain; and to order and diſpoſe of all Fines; In the firſt Place, for buying Drums, Colours, and other Neſſaries, for the Uſe of the Company from whence the ſame ſhall ariſe, and afterwards for ſupplying the Militia with Arms; and the ſaid Court is hereby directed and required, to keep a Regiſter of all their Proceedings; and for that Purpoſe, to appoint a Clerk, and to allow him a reaſonable Salary out of the Fines.

Their Power to call Perſons to account for Monies due to the Regiment.

XVII. *AND be it further Enacted, by the Authority aforeſaid,* That the Court-Martial of every County ſhall have full Power, from Time to Time, to call the Sheriff, or any other Perſon or Perſons whatſoever to Account, on Oath, who ſhall pay to them the Moneis in the Hands of him or them belonging to their reſpective Regiments, that have accrued and become due by Virtue of a late Act of Aſſembly, intituled, *An Act, for the better Regulation of the Militia, and other Purpoſes,* paſſed in the Thirtieth Year of his Majeſty's Reign; or ſhall or may become due by Virtue of this Act. And if any Sheriff or other Perſon ſhall refuſe or neglect to appear, account and pay as aforeſaid, he ſhall forfeit and pay the Sum of Five Hundred Pounds; to be recovered with Coſts, by the Colonel of the Regiment to which ſuch Money is or may become due, by Action of Debt or Information, in any Superior Court; and to be applied to the Uſe of the Regiment. And when any Suit ſhall be brought by the Colonel, and he ſhall happen to die, or be ſuperceded before ſuch Suit ſhall be determined, the ſame ſhall and may be carried on by the ſucceeding Colonel, in the Name of his Predeceſſor who brought ſuch Suit: And the Death of the Colonel, or his being diſplaced, ſhall not be pleaded in Abatement of ſuch Suit, nor deemed Matter of Error; any Law or Uſage to the contrary notwithſtanding.

Pen. on Officers failing to appear at Muſter and Court-Martial; and on Captains neglecting to pay all Monies in their Hands.

XVIII. *AND be it further Enacted, by the Authority aforeſaid,* That every Colonel failing to appear at ſuch Court, and every Lieutenant-Colonel failing to appear at the General Muſter, or ſuch Court as aforeſaid, for every ſuch Offence, ſhall forfeit and pay the Sum of Five Pounds Proclamation Money; and every Captain failing as aforeſaid, ſhall forfeit and pay Three Pounds; and every Lieutenant or Enſign failing to appear at the General Muſter, Forty Shillings, unleſs they ſhall make ſuch Excuſe for their Abſence to the next ſucceeding Court, as the ſaid Court ſhall judge ſufficient: And every Captain, or in his Abſence, the Clerk of the ſaid Company, ſhall return, on Oath, an exact Liſt of the Perſons who have been fined, and whether for Abſence or Want of Accoutrements; and every Captain ſhall then and there pay, into the Court, all ſuch Fines as he ſhall have received, under the Penalty of Fifty Pounds; to be levied by a Warrant from the Colonel; which ſaid Fine ſhall be applied as other Fines by this Act are directed.

XIX. *AND*

XIX. *AND be it further Enacted, by the Authority aforeſaid*, That each and every Captain ſhall procure a Copy of this Act, and lodge the ſame with the Clerk of his Company; and be allowed for the ſame out of the Fines.

A. D. 1760.

Captains to procure a Copy of this Act.

XX. *AND be it further Enacted, by the Authority aforeſaid*, That no Officer or Soldier, ordered and directed by this Act to appear at Muſter as aforeſaid, ſhall be liable to be taken or arreſted by any Officer in any Civil Action or Proceſs whatſoever, on the Day ſuch Perſon is directed to appear, in any reaſonable Time, either in going to, continuing at, or returning Home, from the Place appointed to Muſter; but every ſuch Arreſt is hereby declared to be *Ipſo Facto* void; and all Officers are hereby required to take Notice thereof; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Soldiers exempt from Proceſs on a Muſter Day.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon liable to appear at Muſter, going to, or returning from any Muſter, ſhall be ſuffered to paſs over any Bridge, and ſhall be put over any Ferry without Delay, free from any Charge whatſoever; and if any Ferryman ſhall demand, delay, or refuſe to put ſuch Perſon or Perſons over, he ſhall forfeit and pay for every ſuch Offence, the Sum of Twenty Shillings; to be recovered by a Warrant from a Juſtice of the Peace; one Half to the Informer, the other Half for the Uſe of the Pariſh wherein the Offence was committed.

Perſons going to Muſter, to paſs Ferry free.

XXII. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall be and continue in Force for and during Six Months, and no longer.

Further Continued by Acts paſſed *Dec.* 1760, Chap. VII. and *Dec.* 1762, Chap. VII.

SIGNED by,

ARTHUR DOBBS, Eſq; Governor.

JAMES HASELL, Preſident.

SAMUEL SWANN, Speaker.

A. D. 1760.

ANNO REGNI GEORGII II, Regis, *Magnæ Britanniæ, Franciæ, & Hiberniæ,* Triceſſimo Quarto.

ARTH. DOBBS, Eſq; Governor.

At an ASSEMBLY, begun and held at *Newbern*, the Twenty-fourth Day of *April*, in the Thirty-third Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, *&c.* and from thence continued, by ſeveral Prorogations, to the Thirtieth Day of *November*, in the Year of our Lord One Thouſand Seven Hundred and Sixty; to be then held at *Wilmington*: Being the Fourth Seſſion of this preſent Aſſembly.

CHAP. I.

An Act, to regulate Elections for Members to ſerve in the General Aſſembly, and to aſcertain who ſhall be qualified to vote at the ſaid Elections, or to be elected a Member of the General Aſſembly; and to direct the Method to be obſerved in taking the Poll at the ſeveral Elections in the Counties and Towns in this Province.

Preamble.

I. WHEREAS there is no Law now in Force in this Province to aſcertain the Method of taking the Poll at the Election of Members to ſerve in the General Aſſembly, or who ſhall be qualified to vote at, or be elected a Member to ſerve as aforeſaid.

II. WE

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Method of taking the Poll.

II. WE therefore pray that it may be Enacted, *And be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, the Sherifs of the ſeveral and reſpective Counties within this Province ſhall, at all Elections hereafter to be made in the ſeveral and reſpective Counties for Members to ſit in General Aſſembly, take the Votes of the Freeholders qualified to vote, in Manner following; that is to ſay, Each and every Sheriff of the ſeveral Counties, ſhall, at the Day appointed for chooſing Members of Aſſembly, come to the Place by Law appointed for holding ſuch Election in his County, and the Candidates then preſent, ſhall nominate and appoint Two Inſpectors to ſee the Poll fairly and impartially taken; and if the Candidates then preſent ſhall refuſe or neglect, the Sheriff or Under-Sheriff of the County, ſhall nominate and appoint the ſaid Inſpectors, and the Sheriff ſhall, at or before Ten o'Clock in the Forenoon, open the Poll, and after Proclamation made for the Freeholders to come and give their Votes, ſhall take a Liſt of the Names of the Voters who ſhall give their Suffrage, and the Votes ſhall be given openly, and the Poll kept open till Sunſet, unleſs the Candidates then preſent ſhall agree to have it cloſed ſooner; and the Sheriff ſhall then, in the Preſence of the Inſpectors, caſt up the Number of Votes given for each Candidate, and declare the Perſon or Perſons who ſhall have the greateſt Number of Suffrages, to be duly elected; and in Caſe of an Equality of Votes among any of the Candidates, the Sheriff ſhall have the caſting Vote, and in no other Caſe give his Vote.

Whom deemed Freeholders.

III. AND to prevent Diſputes which may hereafter ariſe in electing of Members to ſerve in Aſſembly, relating to who ſhall be underſtood to be a Freeholder; *Be it Enacted, by the Authority aforeſaid*, That every Perſon who, *bona fide*, hath an Eſtate real for his own Lifetime, or the Life of another, or any Eſtate of greater Dignity of a ſufficient Number of Acres in the County which by the Law enables him to vote, or be a Candidate for ſuch County, ſhall be accounted a Freeholder within the Meaning of this Act.

None but Freeholders to vote.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon ſhall hereafter be admitted to give his Vote in any Election of a Member or Members to ſit in General Aſſembly for any County within this Province, unleſs he hath been an Inhabitant of this Province Six Months, and hath been poſſeſſed of a Freehold, within the Meaning of this Act, of Fifty Acres of Land, at leaſt Three Months before he gives his Vote, and is alſo of the full Age of Twenty-one Years: And that hereafter, no Perſon ſhall be deemed qualified, or admitted to ſit and vote in the General Aſſembly, unleſs he hath been one full Year an Inhabitant of this Province, and poſſeſſed of a Freehold, within the Meaning of this Act, of at leaſt One Hundred Acres of Land in the County for which he ſhall be elected or choſen, and is alſo of the full Age of Twenty-one Years at the Time he is choſen.

Or qualified to ſit in Aſſembly.

Before they vote at Elections, to take

V. *AND be it further Enacted, by the Authority aforeſaid*, That every Freeholder, before he is admitted to give his Vote as aforeſaid at any ſuch Election, if it be required by the Candidates, or any of them, or any other Freeholder in their Behalf, ſhall take the following Oath; which Oath the Sheriff or Under-Sheriff is hereby impowered and directed to adminiſter, *viz.*

YOU

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The Oath.

YOU ſhall ſwear, that you have been Six Months an Inhabitant of this Province, and that you have been poſſeſſed of a Freehold of Fifty Acres of Land for Three Months paſt, in your own Right, in the County of and that ſuch Land hath not been granted to you fraudulently, on Purpoſe to qualify you to give your Vote; and that the Place of your Abode is in the County of and that you have not voted in this Election. So help you God.

Sheriffs Duty on receiving Writs of Election.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That when any Sheriff ſhall receive a Writ or Writs for the Election of a Member or Members for any County within this Province, he ſhall advertiſe, or cauſe to be advertiſed, the ſame at every Church and Chappel, and Court-houſe within his County, immediately after Divine Service, on Three ſeveral *Sundays*, ſucceſſively, next before the Election, if there be ſo long a Time between his receiving the Writ and the Day of Election; and the Freeholders, within the Intent and Meaning of this Act, within the County or Town where the Election is to be made, reſpectively, ſhall appear accordingly, and give his Vote at ſuch Election: And if any Perſon ſhall give his Vote at any Election, who is not a Freeholder within the Meaning of this Act, or ſhall vote Twice at the ſame Election, ſuch Perſon ſhall forfeit and pay the Sum of Five Pounds, Proclamation Money, to him or them that will ſue for the ſame; to be recovered with Coſts of Suit, in any Court of Record in this Province, by Action of Debt; wherein no Injunction or Wager of Law ſhall be allowed or admitted of.

Pen. on Perſons voting who are not Freeholders.

Suit brought, *Onus Probandi* to be on the Defendant.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That where any Suit ſhall be brought againſt any Perſon for voting, not being a Freeholder, the *Onus Probandi* ſhall be on the Defendant.

Pen. on Perſons giving any Reward, &c. before Election.

VIII. *AND be it further Enacted, by the Authority aforeſaid,* That no Perſon or Perſons, hereafter to be elected to ſerve in the General Aſſembly for any County or Town within this Province, ſhall or do, by himſelf or themſelves, or by any other Ways or Means in his or their Behalf, or at his or their Charge, before his or their Election to ſerve in Gereral Aſſembly for any County or Town within this Province, either directly or indirectly, give, preſent, or allow to any Perſon or Perſons, having Voice or Vote in ſuch Election, any Money, Gift, Reward or Preſent, or make any Promiſe to do the ſame to, or for him or themſelves, or for any ſuch Perſon or Perſons in particular to any ſuch County or Town in general, in order to be elected to ſerve in the General Aſſembly for any ſuch County or Town; and that all and every ſuch Perſon ſo offending, and being guilty herein, after Proof thereof made to the Houſe, ſhall be diſabled, and incapable upon ſuch Election, to ſerve in the General Aſſembly for ſuch County or Town during the Continuance of that Aſſembly.

Sheriffs to give a Copy of the Poll.

IX. *AND be it further Enacted, by the Authority aforeſaid,* That if at any Time any Candidate, or other Perſon in his Behalf, ſhall deſire a Copy of the Poll, the Sheriff or Under-Sheriff who takes the Election, ſhall, within Ten Days after ſuch Election, cauſe a fair Copy thereof to be made, and ſhall deliver it atteſted, with his own Hand, into ſuch Candidate, or other Perſon as ſhall require the ſame as aforeſaid.

X. *AND*

A. D. 1760.

Members to take the Oaths of Government.

X. *AND be it further Enacted, by the Authority aforeſaid*, That each and every Member ſo elected, ſhall, before he be admitted to ſit or vote in the Aſſembly, take the Oaths appointed to be taken by an Act of Parliament made in the Firſt Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act, for the further Security of his Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Heirs of the late Princeſs* Sophia *being Proteſtants, and for extinguiſhing the Hopes of the pretended Prince of* Wales, *and his open and ſecret Abettors*; and the Oath of Abjuration, and repeat and ſubſcribe the Teſt.

Pen. on Sheriffs taking the Poll, contrary to Law, &c.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That if the Sheriff of any County, or in his Abſence, the Under-Sheriff, ſhall refuſe to take the Poll, or take it in any other Manner than is herein directed, or ſhall refuſe or neglect to give a Copy of the Poll as aforeſaid, within Ten Days after ſuch Election, or ſhall not regularly and in Time return the Writ of Election, or ſhall make a falſe Return thereof; every ſuch Sheriff or Under-Sheriff as aforeſaid offending herein, or in any of theſe Caſes, reſpectively, ſhall forfeit and pay the Sum of Fifty Pounds, Proclamation Money; one Moiety to his Majeſty, his Heirs and Succeſſors, for and towards defraying the contingent Charges of Government, and the other Moiety thereof to him or them that will ſue for the ſame; to be recovered with Coſts, in any of the Superior Courts of Pleas and Grand Seſſions of this Province, by Action of Debt; wherein no Eſſoign, Injunction, Priviledge or Wager of Law, ſhall be allowed.

Elections for Towns, to be according to Law.

XII. *PROVIDED always*, That the Elections of Members for the ſeveral Towns in this Province to ſit and vote in the General Aſſembly, and the Qualifications of the Candidates, and Voters for Members to repreſent the ſaid Towns, ſhall be as preſcribed by the ſeveral Acts of Aſſembly of this Province in ſuch Caſes made and provided: Any Thing in this Act contained to the contrary notwithſtanding.

Qualification for Voters for the Town of *Brunſwick*.

XIII. AND whereas there is no Law now in Force for aſcertaining the Qualifications of the Candidates and Voters for the Town of *Brunſwick*; *Be it further Enacted, by the Authority aforeſaid*, That no Perſon ſhall be deemed qualified to be a Repreſentative for the ſaid Town, to ſit and vote in the General Aſſembly, unleſs on the Day of the Election he be, and for Three Months next before, was ſeized, in Fee-ſimple, of a Brick, Stone, or framed Houſe, in the ſaid Town, of the Dimenſions of Twenty Feet by Sixteen, with one or more Brick or Stone Chimney or Chimnies; and that every Tenant of any Stone or habitable Houſe of the Dimenſions aforeſaid, within the Bounds of the ſaid Town, who at the Day of Election, and for Three Months next before, inhabited ſuch Houſe, ſhall be intitled to vote in the Election for the Repreſentative of the ſaid Town; and in Caſe there ſhall be no Tenant of ſuch Houſe in the ſaid Town on the Day of Election, qualified to vote as aforeſaid; then, and in ſuch Caſe, the Perſon ſeized of ſuch Houſe, either in Fee-ſimple, Fee-tail, or for Term of Life, ſhall be intitled to vote for the Repreſentative aforeſaid: Any Thing in this Act contained to the contrary notwithſtanding.

A. D. 1760.

CHAP. II.

An Act, for obtaining an exact Liſt of Taxables, and for the effectual collecting all Taxes for the future due and payable, and other Purpoſes therein mentioned.

Preamble.

I. WHEREAS it appears, by the Liſt of Taxables delivered in by the Magiſtrates, at the ſeveral and reſpective Counties of this Province, that a full and compleat Liſt has never yet been obtained by any Law now in Force; and whereas the equal Payment of Taxes is of great Conſequence: Therefore,

Perſons deemed Taxables.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That all and every white Perſon, Male, of the Age of Sixteen Years and upwards, all Negroes, Mulattoes, Muſtees, Male and Female, and all Perſons of mixt Blood, to the Fourth Generation, of the Age of Twelve Years, and upwards; and all white Perſons intermarrying with any Negroe, Mulattoe, Muſtee, or other Perſon of mixt Blood, while ſo intermarried; and no other Perſon or Perſons whatſoever, ſhall be deemed Taxables; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Method of taking Liſt of Taxables.

III. *AND be it further Enacted, by the Authority aforeſaid*, That from the paſſing of this Act, the Method for obtaining an exact Liſt of Taxables ſhall be in the following Manner, any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding; that is to ſay, the Juſtices of each County ſhall, at the next Court to be held for their reſpective Counties after the Firſt Day of *May* next, and ſo Yearly, iſſue their Warrant, ſigned by the Chairman, directed to the Conſtable in each and every Diſtrict in the reſpective Counties, authoriſing and commanding him to go from Houſe to Houſe in his Diſtrict, and ſummon the Maſter or Miſtreſs of every Family, and the Overſeer of every Plantation of which their is no Maſter or Miſtreſs within his Diſtrict, to appear, and they are hereby required to appear, before the Magiſtrate that ſhall be appointed by the Court to receive the Liſt of Taxables in ſuch Diſtrict preceeding the Time of holding the then next Court to be held for ſuch County, and there to give in upon Oath, a Liſt in Writing of all the Taxables in his or her Family, ſetting forth in ſuch Liſt the Name and Sex of each Taxable Perſon, whether white or black, bond or free, and diſtinguiſhing ſuch Male Slaves as are Sixteen Years of Age, or upwards; and the Conſtable of each and every Diſtrict ſhall likewiſe give in to the Magiſtrate of his Diſtrict a Liſt, upon Oath, of all ſuch Perſons ſo warned; which Liſt ſhall contain the Names of all the Maſters and Miſtreſſes of Families and Overſeers of Plantations within his Diſtrict; and in Caſe any Conſtable ſhall die, remove, or be anywiſe rendered incapable of ſerving in his Office, the Magiſtrate of ſuch Diſtrict is hereby required to appoint and qualify another Perſon to act as a Conſtable to ſerve in ſuch Diſtrict, until the Time appointed by Law for appointing Conſtables; which Conſtable ſo appointed, ſhall be under the like Rules and Penalties as the former Conſtable.

Pen. on Conſta-

IV. *AND be it further Enacted, by the Authority aforeſaid*, That each Conſtable

ſtable neglecting to ſummon the Maſter, Miſtreſs, or Overſeer as aforeſaid, or neglecting to return ſuch Liſt as is herein before directed, ſhall forfeit and pay the Sum of Five Pounds Proclamation Money, for each and every Neglect; to be recovered and applied as is by this Act directed.

bles neglecting to ſummon.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Court of each and every reſpective County ſhall, at the ſame Court they appoint Conſtables, appoint one Magiſtrate for each Diſtrict to take and receive the Liſt of Taxables for ſuch Diſtrict; which Juſtice ſo appointed is hereby required and directed to receive, upon Oath, from all Perſons that are liable that ſhall offer to inliſt, being Inhabitants of ſuch Diſtrict, and ſhall make a Liſt of all ſuch, and ſhall compare the ſame with the Conſtable's Liſt returned to him, and if it ſhall appear that any Perſon or Perſons within his Diſtrict that ought to inliſt him or herſelf according to the Direction of this Act, hath failed ſo to do, or that the Conſtable hath failed to ſummon any ſuch Perſon or Perſons, ſuch Juſtice ſhall report the ſame to the ſecond Court to be held for ſuch County after the Firſt Day of *May*, and alſo ſhall return to the ſaid Court the Conſtable's Liſt, and the Liſt of Taxables by him ſo taken, that all ſuch Perſon or Perſons as have failed in their Duty may be proſecuted; and ſuch Juſtice ſhall ſet forth in his Liſt the Names of every Maſter or Miſtreſs of Families, and Overſeers of Plantations of which there is no Maſter or Miſtreſs in the County, the Name and Sex of each Taxable Perſon, whether white or black, bond or free, and diſtinguiſhing ſuch Male Slaves as are Sixteen Years old and upwards.

Magiſtrates appointed for each Diſtrict, to take the Liſt.

VI. *PROVIDED always*, That in Caſe no Juſtice ſhall preſide within any ſuch Diſtrict, the Court ſhall and may appoint another or other of the Juſtices of the County as ſhall be moſt convenient to ſerve for ſuch Diſtrict or Diſtricts.

No Juſtice in the Diſtrict, others to be appointed.

VII. *PROVIDED alſo*, That in Caſe any Juſtice or Juſtices ſhall die, remove, or be any ways rendered incapable to ſerve in his Office, the Chairman ſhall and may, by his Warrant, appoint ſome other Juſtice of ſaid Court in the Room of any ſuch Juſtice or Juſtices ſo dying, removing, or anywiſe rendered incapable; which Juſtice ſo appointed ſhall act under the like Rules and Penalties of the former Juſtice.

Proviſo, in Caſe of Death, &c.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe any Court within this Province ſhall neglect to appoint one Conſtable to ſummons, and one Juſtice to receive the Liſt of Taxables in each and every Diſtrict within their reſpective Counties, according to the Directions of this Act, the Juſtices of ſuch Court ſhall forfeit and pay the Sum of One Hundred Pounds, Proclamation Money, for each and every Neglect; to be recovered and applied as other Fines by this Act directed.

Pen. on Courts neglecting to appoint Conſtables, &c.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That every Maſter, Miſtreſs, or Overſeer, being ſummoned; alſo, every Maſter, Miſtreſs or Overſeer, as thro' miſtake, may not be ſummoned, that ſhall neglect to appear and give in his or her Liſt of Taxables according to the Directions of this Act, Ten Days before the Second Court to be held for his County after the Firſt Day of *May*, ſhall forfeit and pay

Pen. on Perſons concealing their Taxables.

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pay the Sum of Forty Shillings, Proclamation Money, for each and every Taxable he or ſhe ought to have inliſted; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record, having Cognizance thereof, by any Perſon who ſhall ſue for the ſame; one Half whereof to the Proſecutor, the other Half to our Sovereign Lord the King, for the Uſe of the County where the Forfeiture ſhall ariſe; to be applied by the Court of the ſaid County, towards leſſening the Tax of the ſaid County.

Perſons coming into any County before the 1ſt of *May*, to pay Taxes there.

X. *AND be it further Enacted, by the Authority aforeſaid*, That every free Perſon coming into any County in this Province to reſide, on or before the Firſt Day of *May*, Yearly, ſhall be liable to inliſt, and pay Taxes, unleſs ſuch Perſon ſhall produce a Receipt, that he, ſhe, or they, have paid Taxes for that Year in ſome other County or Province, under the like Rules and Penalties as is by this Act before directed: And every Perſon or Perſons that have the Care or Management of any Orphan's Eſtate, or of any Taxable Perſon thereunto belonging, are hereby declared to be obliged to inliſt and pay for all ſuch Taxables as belongs to ſuch Eſtate. And all Perſons that ſhall let out on Hire any taxable Perſon or Perſons, ſhall inliſt and pay for every ſuch Taxable in the County where ſuch Perſon ſo letten on Hire doth reſide, under the like Rules and Penalties as is by this Act before directed; any Uſage or Cuſtom to the contrary notwithſtanding.

Guardians to pay for the Taxables of their Ward.

Perſons having no Home, to procure ſome Houſe-keeper to inliſt them.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon or Perſons, reſident within this Province at the Times Taxables are by Law to be inliſted, who have no Home or Dwelling of his or their own in ſuch County, ſhall, and are hereby required, to procure ſome Houſe-keeper to liſt him or them, under the ſame Penalties and Forfeitures as by Law are inflicted on Maſters of Families neglecting to give in their ſeveral Liſts.

XII. AND whereas many idle Perſons within this Province, having no Home or Dwelling of their own, and neglecting to procure ſome Houſe-keeper to liſt him or them, and ſuch Perſons having no viſible Eſtate, whereby the Fines and Forfeitures impoſed by this Act, cannot be recovered and collected from them, or Eſtate ſufficient for the Sheriff to make Diſtreſs for the Levies as aforeſaid: Therefore, to compel ſuch Perſons to procure ſome Houſe-keeper to inliſt him or them, or to provide, by an honeſt Induſtry, to pay the Levies and Taxes annually aforeſaid;

Idle Perſons compelled to pay Taxes.

XIII. WE pray that it may be Enacted, *And be it Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, if any ſuch Perſon as aforeſaid, in any County within this Province, ſhall refuſe or neglect to procure ſome Houſe-keeper to liſt him as a Taxable, or ſhall neglect to pay his Levies to the proper Officer who ought to receive the ſame, at the Times when ſuch Levies are to be by Law paid and collected, the Sheriff of the County where ſuch Perſon ought to have inliſted, or procured ſome Houſe-keeper to inliſt him, ſhall make Diſtreſs on the Goods and Chattels of ſuch Perſon, if any to be found within his ſaid County; and if there is no Goods nor Chattels of ſuch Perſon to be found in ſuch County, the Sheriff ſhall apply to ſome Magiſtrate within his ſaid County, and make Oath, that ſuch Perſon as aforeſaid hath no Goods or Chattels within the ſaid

ſaid County whereupon he can make Diſtreſs; and ſuch Juſtice ſhall iſſue his Warrant againſt any ſuch Perſon as aforeſaid: And ſuch Sheriff is hereby ordered and directed to take the Body of ſuch Perſon and commit him to the Public Goal of the ſaid County, there to remain without Bail or Mainprize for One Month, unleſs ſome Perſon will ſooner procure his ſaid Levies, and Fees of Impriſonment, to be paid; and ſuch Perſon being ſo committed, ſhall not have the Benefit of the Act of Aſſembly, intituled, *An Act, for the Relief of poor Debtors*, as to the Impriſonment of their Perſons; but ſhall, at the Expiration of the ſaid Month, be by the Sheriff ſold for his ſaid Levies and Priſon-Fees at Public Vendue, to ſuch Perſon who for the ſhorteſt Time of Service will pay the ſame: And ſuch Perſon ſo ſold, ſhall, during his ſaid Service, be liable to the ſame Pains and Penalties that indented Servants are liable to by an Act of Aſſembly of this Province, intituled, *An Act, concerning Servants and Slaves.*

Pen on Juſtices neglecting to return their Liſt.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That if any Juſtice or Juſtices, appointed by the Court, or Chairman of ſuch Court as aforeſaid, ſhall neglect to receive and return his and the Conſtable's Liſt as is by this Act directed; every ſuch Juſtice ſo neglecting, ſhall forfeit and pay the Sum of Five Pounds, Proclamation Money, for each and every Neglect; to be recovered and applied as other Fines by this Act directed.

Clerk to make out Liſt of Taxables.

XV. *AND be it further Enacted*, That the Clerk of each and every Inferior Court ſhall, within One Month next after the ſeveral Liſts of Taxables ſhall be returned by the Juſtices into Court, tranſmit one atteſted Copy of ſuch Liſt, alphabetically digeſted, Yearly, to the Sheriff of his County; one atteſted Copy to the Court; one atteſted Copy to the Veſtry; one atteſted Copy to the Treaſurer; and alſo, ſhall affix one Copy in the Court-houſe of his County, and keep the ſame conſtantly ſet up, that all Perſons may have an Opportunity to peruſe and examine the ſame; under the Penalty of Twenty Pounds for each and every Neglect; to be recovered and applied as other Fines by this Act directed.

To be allowed for the ſame.

XVI. *AND be it further Enacted*, That the Juſtices of the ſeveral Inferior Courts are hereby impowered and directed, to allow and pay unto the Clerk, out of the County Tax, ſuch reaſonable Allowance as they ſhall think ſufficient for the Service as afore-mentioned directed to be done by him.

Sheriffs to give Bond before they enter on their Office.

XVII. *AND be it further Enacted*, That when any Perſon ſhall have obtained a Commiſſion for the Office of Sheriff of any County, he ſhall, before he be admitted to take the Oath of a Sheriff, or enter upon the Execution of his Office, enter into Bond, with ſufficient Security, as is directed by an Act of Aſſembly, intituled, *An Act, for appointing Sheriffs, and directing their Duty in Office, and for compelling Collectors of Public Taxes, and Perſons intruſted with laying out Public Money, to apply and account for the ſame:* And if any Sheriff ſhall preſume to enter on the Execution of his Office before he ſhall give ſuch Bond, he ſhall forfeit and pay the Sum of Five Hundred Pounds, Proclamation Money; to be recovered by Action of Debt, Bill, Plaint, or Information, in the Superior Court of the Diſtrict where ſuch Sheriff ſhall reſide, by him that ſhall ſue for the ſame; the one Half to the Proſe-

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cutor, the other Half to our Sovereign Lord the King, for the Uſe of the Public; and ſhall be applied by the Governor, Council, and Aſſembly, towards defraying the contingent Charges of Government.

Pen. on Juſtices neglecting to take ſuch Bond.

XVIII. *AND be it further Enacted*, That if any Inferior Court within this Province ſhall fail or neglect to take ſuch Bond, the Juſtices then ſitting, ſhall forfeit and pay the Sum of Five Hundred Pounds, Proclamation Money; to be recovered and applied as the Fine herein laſt before mentioned.

Taxes not liſted to be applied to the Public.

XIX. AND whereas Sherifs, and other Collectors of Taxes, have diſcovered ſome Taxables not inliſted, and have demanded and received the Taxes from them, and retained the ſame to their own Uſe; *Be it therefore Enacted, by the Authority aforeſaid*, That all Sherifs, and Collectors of Taxes, ſhall hereafter account, on Oath, for all ſuch Taxes and Levies by them, or their Deputy or Deputies, received, to the reſpective Treaſurer, Inferior Court, or Veſtry, as the Caſe may be; which ſhall be applied to the Uſe of the Public, County, or Pariſh, accordingly; under the Penalty of One Hundred Pounds, Proclamation Money; to be recovered and applied as other Fines in this Act directed.

Sherifs neglecting to pay the Taxes, Court may give Judgment againſt him.

XX. *AND be it further Enacted, by the Authority aforeſaid*, That if any Sheriff ſhall neglect or refuſe to account for and pay the ſeveral County Taxes that have been, or hereafter ſhall be aſſeſſed on the Taxable Perſons of the County whereof he is Sheriff, and wherewith he ſhall be chargeable, according to the Directions of the Laws of this Province, after deducting his Commiſſions allowed him, and the ſeveral Sums chargeable to Perſons who have no viſible Eſtate in ſuch Counties; it ſhall and may be lawful for the Superior Court of the Diſtrict where ſuch Sheriff ſhall live, either before, or at any Time after the Expiration of his ſaid Office, on Motion of the Chairman of ſuch Inferior Court, to give Judgment againſt ſuch Sheriff for all the Money wherewith he ſhall or may be chargeable to the County, with Coſts; and thereupon to award Execution againſt the Goods and Chattels, Lands and Tenements of ſuch Sheriff. *Provided always*, The Sheriff ſhall have Ten Days previous Notice of ſuch Motion.

Juſtices to provide Record Books for the County.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of each and every County ſhall purchaſe, at the Expence of the ſame, well bound Books, for keeping therein, a fair Record, in which ſhall be, by the Clerk of ſuch County Court, Yearly, fairly ſtated, all Accounts, relating to the Charge and Expence of all Monies collected and received for the Uſe of ſuch County; as alſo, an Account of the Number of Taxables in each Diſtrict, as returned by the ſeveral Magiſtrates thereof; and an Account of all ſuch Perſons that ſhall be diſcovered to have failed to inliſt within ſuch Diſtrict; and an Account of all the Maſters, Miſtreſſes, and Overſeers, in each Diſtrict, as returned by the ſeveral Conſtables of ſuch County; under the Penalty of Twenty Pounds Proclamation Money; to be recovered and applied as other Fines by this Act directed; for which ſaid Services the Clerk ſhall be allowed by the Juſtices, out of the County Tax, all Sum or Sums of Money as they ſhall think adequate for ſuch Services.

XXII. *AND*

Sheriff to deliver an Account of Public Monies to the Treaſurer.

XXII. *AND be it further Enacted, by the Authority aforeſaid*, That every Sheriff, and every Collector of Public Duties, ſhall, at his Settlement with the Treaſurer of his Diſtrict, deliver his Account, ſigned and proved, of all the Monies he hath received, payable to ſuch Treaſurer, for the Uſe of the Public; which Accounts ſuch Treaſurer ſhall produce as a Voucher for the Money by him received, in order to ſettle with the Aſſembly; under the Penalty of Five Hundred Pounds Proclamation Money; to be recovered and applied as other Fines by this Act directed.

Five Juſtices to be preſent, when Sheriffs Accounts are ſettled.

XXIII. AND whereas by the Laws now in Force, the Juſtices of every County Court, when they ſettle with their reſpective Sheriffs, are impowered to make the ſaid Sheriffs an Allowance for ſuch Perſons as have no viſible Eſtate, and an atteſted Copy of ſuch Allowance or Settlement may be given in Evidence when ſuch Sheriffs are ſued by the Public Treaſurer for the Public Taxes; which Power, in ſeveral Inſtances, has been abuſed: For Remedy whereof; *Be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, no County Court ſhall make ſuch Allowance for Inſolvents, nor give any Certificate for the ſame, unleſs there ſhall be Five or more Juſtices in Court at making ſuch Allowance, who ſhall all ſign the Certificate for the ſame.

Taxes when to be paid.

XXIV. AND whereas the ſeveral Public, County and Pariſh Taxes, are not directed to be paid at one and the ſame Time, whereby ſeveral Sheriffs, when they have diſtrained for ſaid Taxes, have taken Fees for Diſtreſs on each Tax: For Remedy whereof, *Be it Enacted, and it is hereby Enacted*, That after the paſſing this Act, if any Perſon or Perſons ſhall fail to pay the Public, County, and Pariſh Taxes, on or before the Tenth Day of *March*, Yearly, the Sheriff ſhall and may make Diſtreſs on ſuch Perſon or Perſons ſo failing as aforeſaid for the whole Amount of ſuch Taxes, in one Sum; for which Diſtreſs he ſhall and may take Two Shillings and Eight Pence, and no more; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Penalties how recovered.

XXV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſeveral Forfeitures and Penalties by this Act inflicted, for which no Method of Recovery or Application is herein before directed, ſhall and may be recovered, with Coſts, before any Juriſdiction having Cognizance thereof; one Half to the Uſe of the Proſecutor, and the Half to the Uſe of our Sovereign Lord the King, for the Uſe of the County wherein ſuch Penalty ſhall be incurred, and applied by the Juſtices towards leſſening the County Tax.

Repealing Clauſe.

XXVI. *AND be it further Enacted, by the Authority aforeſaid*, That all and every other Act and Acts, and every Clauſe and Article thereof, for ſo much as relates to any Matter or Thing within the Purview of this Act, from henceforth, ſhall be repealed and made void.

CHAP.

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CHAP. III.

An Act, for erecting the upper Part of Beaufort *County into a County and Pariſh, by the Name of* Pitt *County, and St.* Michael's *Pariſh; and for adjourning the Court from the Court-houſe on the Land of* Thomas Bonner, *to the Court-houſe in* Bath *Town; and other Purpoſes therein mentioned.*

Private.

I. WHEREAS the large Extent of the County of *Beaufort*, renders it grievious and burthenſome to the Inhabitants thereof, to attend the Courts, General Muſters, and other Public Meetings appointed therein;

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the Firſt Day of *January* next, the upper Part of the ſaid County of *Beaufort*, beginning at the Line between the ſaid County and *Tyrrel*, running *South South Weſt* to *Cherry*'s Run where the main Road croſſes the ſaid Run; thence down the ſaid Run to *Tranter*'s Creek; thence down the ſaid Creek to *Pamplico* River; thence down the ſaid River to the Fork Point, on the *South* Side of the ſaid River; thence up the *Chocowinity* Bay and Creek to the Head thereof; thence *South South Weſt* to the dividing Line of the ſaid County and *Craven*; thence along the dividing Lines of *Craven*, *Dobbs*, *Edgcomb* and *Tyrrel*; ſo that all that Part of *Beaufort* County, to the *Weſtward* of *Cherry*'s Run, *Chocowinity* Bay and Creek, ſhall, and is hereby declared to be a ſeparate County and Pariſh, and ſhall be called and known by the Name of *Pitt* County, and St. *Michael*'s Pariſh, with all and every the Rights, Privileges, Benefits, and Advantages whatſoever, which any other County or Pariſh within this Province can, ſhall, or may lawfully hold, uſe or enjoy.

III. AND for the due Adminiſtration of Juſtice within the ſaid County; *Be it further Enacted, by the Authority aforeſaid,* That after the ſaid Firſt Day of *January*, a Court for the ſaid County of *Beaufort* be conſtantly held by the Juſtices thereof at the Court-Houſe in *Bath* Town, upon the Days and Times by Law appointed for holding Courts in *Beaufort* County; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That *John Hardy*, *John Simpſon*, *William Speir*, *George Moy*, and *Iſaac Buck*, are hereby appointed Commiſſioners, and they, or the Majority of them, are hereby required, within Six Months after the paſſing of this Act, to agree and contract with Work-men for the building and erecting a ſuitable Court-Houſe, Priſon, Pillory, and Stocks, for the Uſe of the ſaid County of *Pitt*, on the Land of Mr. *John Hardy*, on the *South* Side of *Tar* River, near the Chappel, known by the Name of *Hardy*'s Chappel.

V. *AND be it further Enacted, by the Authority aforeſaid,* That a Poll Tax of Two Shillings Proclamation Money, ſhall be levied on each taxable Perſon within the ſaid County of *Pitt* for Two Years; which Tax ſhall, on or before the Tenth Day of *June*, which ſhall be in the Year of our Lord One Thouſand Seven Hundred and Sixty-one, and Sixty-two, be paid to the Sheriff of the ſaid County.

VI. *AND*

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VI. *AND be it further Enacted, by the Authority aforeſaid*, That all Perſons in the ſaid County neglecting to pay the ſaid Tax, until the Tenth Day of *March* in each of the aforeſaid Years, to the Sheriff as aforeſaid, ſhall be liable thereafter to the ſame Diſtreſs as for Non-Payment of other Taxes; and the Sheriff of the ſaid County ſhall, and is hereby required and directed, on or before the Tenth Day of *June* in each Year, to account, upon Oath, and pay to the ſaid Commiſſioners, the Survivors or Survivor, or the Majority of them, the Money which by Virtue of this Act he hath received, after deducting Six *per Cent.* for collecting the ſame, under the Penalty of Two Hundred Pounds Proclamation Money; to be recovered by the ſaid Commiſſioners, the Survivors or Survivor of them, by Action of Debt, with Coſts, in the Superior Court in the Diſtrict to which the ſaid County belongs.

VII. *PROVIDED neverthelefs*, That if the Money ſo to be collected and paid by the Sheriff of the County of *Pitt*, to the aforeſaid Commiſſioners, ſhall amount to more than the Sum by them contracted to be paid for the erecting the ſaid Buildings, they ſhall account for and pay the Overplus thereof to the Juſtices of the ſaid Inferior Court of *Pitt*, which by them ſhall be applied towards defraying the Contingent Charges of the ſaid County.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That a Court for the County of *Pitt*, ſhall be held Quarterly on the laſt *Tueſdays* in the Months of *February*, *May*, *Auguſt* and *November*; which ſaid Court ſhall be held by a Commiſſion to the Juſtices, in the ſame Manner, and under the ſame Rules and Reſtrictions, and ſhall have and exerciſe the ſame Power and Juriſdiction, as preſcribed for other Inferior Courts of Pleas and Quarter Seſſions within this Province.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices to be appointed for the Inferior Court of Pleas and Quarter Seſſions for the ſaid County of *Pitt*, ſhall, and they are hereby authoriſed and impowered, to hold a Court for the ſaid County of *Pitt*, on the Days before-mentioned at the Houſe of Mr. *John Hardy*, until there ſhall be a Court-houſe built for the ſaid County; at which Time the ſaid Juſtices are hereby required to adjourn the ſaid Court from the Houſe of the ſaid *John Hardy*, to the Court-houſe to be built for the ſaid County.

X. *AND be it further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Sheriff of the aforeſaid County of *Beaufort*, as the ſame now ſtands undivided, to make Diſtreſs for any Taxes, Levies, Fees or other Dues, that are now, or ſhall be due from the Inhabitants of the ſaid County, for the Year of our Lord One Thouſand Seven Hundred and Sixty, or before, but that he may make Diſtreſs in the ſame Manner as by Law the ſaid Sheriff could or might have done if the ſaid County had remained undivided: And the ſaid Levies, Fees and other Dues ſhall be collected and accounted for in the ſame Manner as if this Act had never been made; any Thing herein contained to the contrary notwithſtanding.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſaid Firſt Day of *January*, the ſaid County of *Pitt* ſhall be, continue, and remain

A. D. 1760. Part of the Diſtrict of the Superior Court of Pleas and Grand Seſſions, to be held for the Counties of *Craven*, *Carteret*, *Beaufort*, *Hyde*, and *Dobbs*; and the Juſtices of the Court of the ſaid Counties of *Beaufort* and *Pitt*, ſhall, and they are hereby directed, before ſuch Superior Court, to nominate Six Freeholders, to ſerve as Grand and Petit Jurors at ſuch Superior Court; a Liſt of which Jurors ſo nominated, ſhall be delivered by the Clerks of each of the ſaid Counties to the Sheriff; who ſhall, and is hereby required, to ſummons the Perſons ſo nominated, to ſerve as Jurymen at the Superior Court: And in Caſe any of the Jurymen ſhall, when nominated and ſummoned as aforeſaid, fail to appear at the ſaid Superior Court, they ſhall be under the ſame Rules, Fines and Regulations, as other Jurymen are by Virtue of one Act of Aſſembly paſſed in *Newbern* in the Year of our Lord One Thouſand Seven Hundred and Sixty, intituled, *An Act, directing the Method of appointing Jurymen in all Cauſes Criminal and Civil*; and the Sheriff of the ſaid County of *Pitt*, ſhall, from Time to Time, account for, and pay to the Public Treaſurer for the *Southern* Diſtrict of this Province for the Time being, all Public Levies by him collected, or wherewith he ſhall ſtand chargeable, in the ſame Manner, and under the like Pains and Penalties, as other Sherifs of the ſaid Diſtrict.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That all Cauſes, Pleas, Writs, Actions, Suits, Plaints, Proceſs, Precepts, Recognizances, Indictments, Preſentments, and other Matters and Things in the ſaid Inferior Court of *Beaufort* depending, from and immediately after the Firſt Day of *January* next, ſhall ſtand adjourned and continued from the Court-houſe on the Land of *Thomas Bonner* to the Court-houſe in *Bath* Town; and all Appearances, and Returns of Proceſs, ſhall be made on the Day by Law appointed for holding the ſaid Court to the ſaid Court-houſe; and all Suitors and Witneſſes bound to appear thereat, in the ſame Manner as if the ſaid Court had not been removed from the Court-houſe in *Bath* Town to the Court-houſe on the Land of *Thomas Bonner*: And all ſubſequent Proceſs which ſhall or may iſſue on any Action already commenced and not determined in the Inferior Court of *Beaufort*, ſhall be directed to, and executed by the Sheriff of *Beaufort* County, to the End and final Determination of ſuch Cauſes; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Freeholders of the County of *Pitt*, as the ſame ſhall ſtand divided from the County of *Beaufort*, ſhall, and are hereby impowered and required, to meet at the Houſe of Mr. *John Hardy*, on *Eaſter-Monday* next after the paſſing this Act, then and there to chooſe and elect Twelve Freeholders to ſerve as Veſtrymen; and the Freeholders of the County of *Beaufort* as the ſame ſhall ſtand divided, ſhall, and are hereby impowered and required, to meet at the Court-houſe in *Bath* Town, on *Eaſter-Monday* next after the paſſing this Act, then and there to chooſe and elect Twelve Freeholders to ſerve as Veſtrymen: Which Veſtries when ſo choſen, ſhall be under the ſame Rules and Reſtrictions as other Veſtries in other Pariſhes are.

XIV. AND for eſtabliſhing Roads and Ferries, and for the better Regulation of the ſame in the ſaid County of *Pitt*; *Be it Enacted, by the Authority aforeſaid*, That one Act of Aſſembly of this Province, made and paſſed in the Year of our Lord

Lord One Thouſand Seven Hundred and Fifty Six, intituled, *An Act, for eſtabliſhing Public Roads and Ferries, and for the better Regulation of the ſame in the ſeveral Counties*, and every Clauſe and Article therein, ſhall extend to the ſaid County of *Pitt*, and be in full Force within the ſame to all Intents and Purpoſes as if the ſaid County had been particularly mentioned in the ſaid Act. A. D. 1760.

XV. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed, or taken, to alter or derogate from the Rights and Royal Prerogative of his Majeſty, his Heirs and Succeſſors, of granting Letters of Incorporation to the ſaid County of *Pitt*, ordering, appointing, and directing the Election of a Member or Members to repreſent them in Aſſembly, and of granting Markets and Fairs, to be kept and held in the Counties of *Beaufort* and *Pitt* reſpectively; but that the ſaid Rights and Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his ſaid Majeſty, his Heirs and Succeſſors, in as full and ample Manner to all Intents and Purpoſes, as if this Act had never been made.

CHAP. IV.

An Act, to impower the Inhabitants of ſeveral Pariſhes within this Province, that have no legal Veſtry within their reſpective Pariſhes, to meet and elect Veſtries.

Veſtry Act, on which this depends, repealed.

CHAP. V.

An Act, for altering the Times of holding the Inferior Court of Pleas and Quarter Seſſions in the County of Chowan.

Provided for by the Superior Crt. Act, paſſed *Dec.* 11, 1762, Ch. I.

CHAP. VI.

An Act, to amend an Act, intituled, An Act, for the Relief of ſuch Perſons as have ſuffered, or may ſuffer, by not having had their Deeds and Meſne-Conveyances proved and regiſtered within the Time heretofore appointed for ſuch Purpoſes, *and to prevent Diſputes and Law Suits concerning Lands.*

I. WHEREAS by the aforeſaid Act, any Perſon or Perſons having Deeds or Meſne-Conveyances within this Province, were to Regiſter the ſame within Eighteen Months after paſſing the ſaid Law; and many Perſons through Want of knowing the ſaid Law, have neglected to have their Deeds or Meſne-Conveyances regiſtered according to the Purport thereof: For Remedy whereof, Preamble.

II. WE

A. D. 1760.

Deeds may be regiſtered within 18 Months.

II. WE pray it may be Enacted, *And be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That all Deeds and Meſne-Conveyances of Lands, Tenements, and Hereditaments, not already regiſtered, acknowledged, or proved, ſhall and may, within Eighteen Months after the paſſing this Act, be acknowledged by the Grantor, their Agents or Attornies, or proved by one or more of the ſubſcribing Witneſſes to the ſame, and tendered and delivered to the Regiſters of the Counties where ſuch Lands, Tenements, and Hereditaments reſpectively lie; and all Deeds and Meſne-Conveyances whatſoever, which ſhall be acknowledged or proved according to the Directions of this Act, and alſo ſuch as have been heretofore recorded by the Clerk or regiſtered by the Regiſter of any Precinct or County wherein the Lands or Tenements mentioned in the ſame lie or are ſituate, though not within one Year after the Date of the reſpective Conveyances, ſhall be good and valid in Law, and ſhall enure and take Effect as fully and effectually to the Uſe and Behoof of the Grantee, their Heirs and Aſſigns, and thoſe claiming under them, as if ſuch Deeds and Conveyances were acknowledged or proved and regiſtered agreeable to the Directions of any Act of Aſſembly heretofore made.

Sheriff to read this Act.

III. *AND be it further Enacted, by the Authority aforeſaid,* That every Sheriff within this Province ſhall, on the Second Day of every Inferior Court of the County whereof he is Sheriff, read this Act at the Door of the Court-houſe, immediately after the ſitting of the Court.

CHAP. VII.

Expired

An Act, to amend and continue an Act, intituled, An Act for appointing a Militia.

Preamble.

I. WHEREAS an Act for appointing a Militia, paſſed at the laſt General Aſſembly held at *Wilmington* in *June* laſt, was to continue and be in Force for and during Six Months and no longer, and is now near expiring; and it being found neceſſary that the ſaid Act ſhould be amended and continued;

2 Gen. Muſter, and 3 private Muſters.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the paſſing this Act, there ſhall be Yearly One General Muſter, and Three private Muſters, of every Company in each Regiment, and no more; any Thing in the before recited Act to the contrary notwithſtanding.

Major ſubject for Neglect of Duty.

III. *AND be it further Enacted,* That the Major of each Regiment ſhall be ſubject and liable to the ſame Fines for every Default of Duty that the Colonel is by Law ſubject to.

Continuance of the Act.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That this Act, and the Act before recited, as by this Act amended, ſhall be and continue in Force for and during the Space of Two Years, and no longer.

CHAP.

A. D. 1760.

CHAP. VIII.

An Act, for raiſing Money by a Lottery, towards finiſhing the Churches at Wilmington *and* Brunſwick; *and for applying the Produce of the Slaves, and other Effects taken from the* Spaniards *at* Cape-Fear, *in the Year of our Lord One Thouſand Seven Hundred and Forty-eight, to the ſame Purpoſes.*

Private.

I. WHEREAS by an Act, intituled, *An Act, for raiſing Money for finiſhing the Churches in the Pariſhes of St.* James's *and St.* Philip's, *in* New-Hanover *County, by a Lottery*; ſeveral Perſons were appointed Managers for undertaking, carrying on, and drawing a Lottery as therein mentioned; but the greateſt Part of the Tickets therein remaining unſold, and the Time for drawing the ſame being now expired, the Method for raiſing Money for the Purpoſes aforeſaid is now become ineffectual: And whereas it is imagined, that the Scarcity of Proclamation Money in this Part of the Province, had prevented many Perſons from purchaſing Tickets, who might have inclined to have become Adventurers therein, if the Money had not been immediately payable on the Purchaſe of the Tickets; and the Method of ſelling them as hereafter mentioned, being rendered more eaſy to the Purchaſers, a ſufficient Number might be ſold to enable the Managers to have the ſame drawn in a ſhort Time:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That *Cornelius Harnett, Alexander Duncan, Thomas Davis,* and *John Payne*, Eſqrs. ſhall be, and are hereby appointed Managers, for undertaking, carrying on, and drawing a Lottery in *Wilmington*, for the Purpoſes aforeſaid, with Power to iſſue One Thouſand Tickets, to be ſigned by themſelves, at the Price of Three Pounds, Proclamation Money, in the following Form:

N°

Cape-Fear Church LOTTERY.

THIS TICKET intitles the Bearer to whatever Prize may be drawn againſt this Number, deducting Fifteen *per Cent.* as by Act of Aſſembly paſſed in *December* 1760.

And on the Twenty-firſt Day of *April* next, at the Court-houſe in *Wilmington*, ſhall begin the Drawing of the ſaid Lottery, if a ſufficient Number of Tickets ſhall by that Time be diſpoſed of; and the Calculation of the Chances ſhall be as follows;

A. D. 1760.

Deeds may be regiſtered within 18 Months.

II. WE pray it may be Enacted, *And be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That all Deeds and Meſne-Conveyances of Lands, Tenements, and Hereditaments, not already regiſtered, acknowledged, or proved, ſhall and may, within Eighteen Months after the paſſing this Act, be acknowledged by the Grantor, their Agents or Attornies, or proved by one or more of the ſubſcribing Witneſſes to the ſame, and tendered and delivered to the Regiſters of the Counties where ſuch Lands, Tenements, and Hereditaments reſpectively lie; and all Deeds and Meſne-Conveyances whatſoever, which ſhall be acknowledged or proved according to the Directions of this Act, and alſo ſuch as have been heretofore recorded by the Clerk or regiſtered by the Regiſter of any Precinct or County wherein the Lands or Tenements mentioned in the ſame lie or are ſituate, though not within one Year after the Date of the reſpective Conveyances, ſhall be good and valid in Law, and ſhall enure and take Effect as fully and effectually to the Uſe and Behoof of the Grantee, their Heirs and Aſſigns, and thoſe claiming under them, as if ſuch Deeds and Conveyances were acknowledged or proved and regiſtered agreeable to the Directions of any Act of Aſſembly heretofore made.

Sheriff to read this Act.

III. *AND be it further Enacted, by the Authority aforeſaid,* That every Sheriff within this Province ſhall, on the Second Day of every Inferior Court of the County whereof he is Sheriff, read this Act at the Door of the Court-houſe, immediately after the ſitting of the Court.

CHAP. VII.

Expired

An Act, to amend and continue an Act, intituled, An Act for appointing a Militia.

Preamble.

I. WHEREAS an Act for appointing a Militia, paſſed at the laſt General Aſſembly held at *Wilmington* in *June* laſt, was to continue and be in Force for and during Six Months and no longer, and is now near expiring; and it being found neceſſary that the ſaid Act ſhould be amended and continued;

2 Gen. Muſter, and 3 private Muſters.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the paſſing this Act, there ſhall be Yearly One General Muſter, and Three private Muſters, of every Company in each Regiment, and no more; any Thing in the before recited Act to the contrary notwithſtanding.

Major ſubject for Neglect of Duty.

III. *AND be it further Enacted,* That the Major of each Regiment ſhall be ſubject and liable to the ſame Fines for every Default of Duty that the Colonel is by Law ſubject to.

Continuance of the Act.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That this Act, and the Act before recited, as by this Act amended, ſhall be and continue in Force for and during the Space of Two Years, and no longer.

CHAP.

A. D. 1760.

CHAP. VIII.

An Act, for raiſing Money by a Lottery, towards finiſhing the Churches at Wilmington *and* Brunſwick; *and for applying the Produce of the Slaves, and other Effects taken from the* Spaniards *at* Cape-Fear, *in the Year of our Lord One Thouſand Seven Hundred and Forty-eight, to the ſame Purpoſes.*

Private.

I. WHEREAS by an Act, intituled, *An Act, for raiſing Money for finiſhing the Churches in the Pariſhes of St.* James's *and St.* Philip's, *in* New-Hanover *County, by a Lottery*; ſeveral Perſons were appointed Managers for undertaking, carrying on, and drawing a Lottery as therein mentioned; but the greateſt Part of the Tickets therein remaining unſold, and the Time for drawing the ſame being now expired, the Method for raiſing Money for the Purpoſes aforeſaid is now become ineffectual: And whereas it is imagined, that the Scarcity of Proclamation Money in this Part of the Province, had prevented many Perſons from purchaſing Tickets, who might have inclined to have become Adventurers therein, if the Money had not been immediately payable on the Purchaſe of the Tickets; and the Method of ſelling them as hereafter mentioned, being rendered more eaſy to the Purchaſers, a ſufficient Number might be ſold to enable the Managers to have the ſame drawn in a ſhort Time:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That *Cornelius Harnett, Alexander Duncan, Thomas Davis,* and *John Payne*, Eſqrs. ſhall be, and are hereby appointed Managers, for undertaking, carrying on, and drawing a Lottery in *Wilmington*, for the Purpoſes aforeſaid, with Power to iſſue One Thouſand Tickets, to be ſigned by themſelves, at the Price of Three Pounds, Proclamation Money, in the following Form:

N°

Cape-Fear Church LOTTERY.

THIS TICKET intitles the Bearer to whatever Prize may be drawn againſt this Number, deducting Fifteen *per Cent.* as by Act of Aſſembly paſſed in *December* 1760.

And on the Twenty-firſt Day of *April* next, at the Court-houſe in *Wilmington*, ſhall begin the Drawing of the ſaid Lottery, if a ſufficient Number of Tickets ſhall by that Time be diſpoſed of; and the Calculation of the Chances ſhall be as follows;

A. D. 1760.

One Prize of	£. 400	is	£. 400
Two Prizes of	100	is	200
Two Prizes of	50	is	100
Ten Prizes of	20	is	200
Two Hundred and Five Prizes of	10	is	2050
Firſt drawn,			25
Laſt drawn,			25
			£. 3000
One Thouſand Tickets at	£. 3	is	£. 3000

III. *AND be it further Enacted, by the Authority aforeſaid,* That it ſhall and may be lawful for the ſaid Managers to deduct, out of the Amount of every Prize, Fifteen *per Cent.* to be applied as hereafter mentioned: But before any Ticket ſhall be iſſued, the ſaid Managers ſhall give Bond, payable to his Excellency the Governor, and his Succeſſors, in the Penalty of Three Thouſand Pounds, Proclamation Money; with Condition, for their faithful Diſcharge of the Truſt repoſed in them by this Act; which Bond ſhall be recorded in the Superior or Inferior Court at *Wilmington*, and any Perſon injured may have Judgment thereon againſt the Managers.

IV. *AND be it further Enacted*, That the ſaid Managers ſhall, before they enter on the Execution of their Office, before any Juſtice of the Peace for the County of *New-Hanover*, take the following Oath, *viz.*

I A. B. *do ſolemnly ſwear, that I will faithfully execute the Office of Manager to the* Cape-Fear Church Lottery, *according to the Directions of the Act of Aſſembly in that Caſe made and provided.*

So help me God.

V. AND for the more ready Sale of the ſaid Tickets, *Be it Enacted, by the Authority aforeſaid*, That the Managers, on Diſpoſal of any of the ſaid Tickets, may take Notes from the Purchaſer, with Security, in the following Form:

We, A. *and* B. *do jointly and ſeverally promiſe to pay to the Managers of the* Cape-Fear *Church Lottery, or their Aſſigns, the Sum of Three Pounds Proclamation Money, within Two Months after the drawing the ſaid Lottery, for Value received by a Ticket therein, bought by* A. *Witneſs our Hands, the Day of* 176

Which Note ſhall be, and is hereby declared to be valid againſt the Subſcribers, their, and each of their Perſons and Eſtates; and the Managers ſhall be intitled to demand and receive the Sum within mentioned from the Subſcribers; and on Neglect or Refuſal of Payment, the Time limited for Payment being expired, may, on Application to any Two Magiſtrates, obtain a Warrant, and on Judgment, have Execution thereon for the ſame againſt Body or Goods; which Judgment and Execution the ſaid Magiſtrates are hereby authoriſed and impowered to grant, in the ſame

ſame Manner as they may in other Matters under the Value of Forty Shillings, by the Laws in this Province now in Force; and the uſual Fees may be taken thereon. A. D. 1760.

VI. *AND be it Enacted*, That the ſaid Managers may take One Hundred and Thirty Three Tickets, for and on Behalf of the Churches; which ſaid Tickets ſhall ſtand as Part of the Fifteen *per Cent.* by this Act to be deducted; and the ſaid Managers may alſo take Fifty One Pounds, Proclamation Money, or Notes to that Amount, as a Satisfaction to themſelves for keeing the Accounts, drawing the Lottery, and the whole Charge thereof.

VII. AND whereas the finiſhing the building of the ſaid Two Churches will be greatly expedited, provided the Money ariſing by the Sale of the Slaves, and other Effects ſaved out of the Wreck of the *Spaniſh* Privateer that blew up before *Brunſwick*, in the Year One Thouſand Seven Hundred and Forty-eight, and is now in private Hands, unapplied to any Public Uſe, might be appropriated to the compleating the ſaid Two Churches; *Be it Enacted, by the Authority aforeſaid*, That the Slaves, and other Effects, ſaved out of the *Spaniſh* Wreck as aforeſaid, or taken from the *Spaniards* at the Time of their Invaſion, not already ſold; as alſo, the Money ariſing by the Sale of thoſe which have been ſold, after deducting the Expences of ſuch Sales, ſhall be applied towards the compleating the building the ſaid Two Churches, in Manner following; that is to ſay, Two Third Parts of the Nett proceeds towards finiſhing the Church at *Brunſwick*; and the other Third Part towards finiſhing the Church at *Wilmington*, and to no other Uſe or Purpoſe whatſoever.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners by Law appointed for building and finiſhing the ſaid Churches, ſhall have full Power and Authority to aſk for, demand and receive, of and from each and every Perſon or Perſons in whoſe Poſſeſſion any of the Slaves, Money, or other Effects, ſaved or ariſing by the Sale of the Effects taken as aforeſaid, and from their Heirs, Executors, and Adminiſtrators; and upon Refuſal, to ſue for and recover the ſame, by Action upon the Caſe, in any Court of Record in this Province, Reſpect being had to their Juriſdiction; wherein no Plea of the Act of Limitation of Actions, ſhall be allowed or admitted of.

IX. AND the better to enable the ſaid Commiſſioners to diſcover in whoſe Poſſeſſion the ſaid Effects now are; *Be it further Enacted*, That each and every Perſon and Perſons who have in Poſſeſſion any of the Books and Papers relating to the ſaid Effects, ſhall, upon Demand, deliver to the ſaid Commiſſioners all ſuch Books and Papers; under the Penalty of Two Hundred Pounds, Proclamation Money: To be recovered in Manner aforeſaid, and applied towards the finiſhing the ſaid Two Churches as aforeſaid.

X. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners of the reſpective Churches, ſhall, upon Receipt of their Proportion of the Money as aforeſaid, lay out the ſame to the beſt Advantage in Work hereafter to be done on the ſaid Churches, and ſhall not be allowed any Commiſſions thereon.

CHAP.

A. D. 1760.

CHAP. IX.

An Act, for eſtabliſhing a Town on the Lands of Joſeph Howell, on *Tar* River.

Private.

I. WHEREAS it hath been repreſented to this Aſſembly, that the Land of *Joſeph Howell*, lying on the *South* Side of *Tar* River, in *Edgcomb* County, is a healthy pleaſant Situation, well watered, and commodious for Trade and Commerce; and *James Moir*, *Lawrence Tool*, *Aquila Sugg*, *Eliſha Battle*, and *Benjamin Hart*, have contracted with the ſaid *Joſeph Howell*, for the Purchaſe of One Hundred and Fifty Acres of the ſaid Land, and have accepted and taken a Deed of Feeoffment for the aforeſaid One Hundred and Fifty Acres from the ſaid *Joſeph Howell*, and cauſed the ſame to be laid off in Lots and Streets, and alſo a Part thereof for a Common for the Uſe of the ſaid Town, and have ſold a great Number of the ſaid Lots of Half an Acre each to ſundry Perſons, who are deſirous that a Town ſhould be eſtabliſhed thereon, for promoting the Trade and Navigation of the ſaid River:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid One Hundred and Fifty Acres of Land ſo laid off by the Truſtees or Commiſſioners as aforeſaid, be, and the ſame is hereby conſtituted, erected, and eſtabliſhed a Town, and ſhall be called by the Name of *Tarborough*.

III. *AND be it further Enacted, by the Authority aloreſaid*, That *James Moir*, *Lawrence Tool*, *Aquila Sugg*, *Eliſha Battle*, and *Benjamin Hart*, be, and they, and every of them, are hereby conſtituted Directors and Truſtees, for deſigning, building, and carrying on the ſaid Town; and they ſhall ſtand ſeized of an indefeaſible Eſtate, in Fee, in the ſaid One Hundred and Fifty Acres of Land, to and for the Uſes, Intents and Purpoſes, hereby expreſſed and declared; and they, or the Majority of them, ſhall have full Power and Authority to meet, as often as they ſhall think neceſſary, and to appoint a Public Quay, and ſuch Place on the ſaid River for a Public Landing, as to them ſhall ſeem convenient; and cauſe the Plan of the ſaid Town as laid off by the ſaid *James Moir*, *Lawrence Tool*, *Aquila Sugg*, *Eliſha Battle*, and *Benjamin Hart*, to be recorded, and filed among the Records of the Court of the County of *Edgcomb*.

IV. AND whereas Subſcriptions have already been made for One Hundred and Twenty-one Lots already laid off in the ſaid Town, and the ſame drawn for by the ſeveral Subſcribers, or their Agents; *Be it therefore Enacted, by the Authority aforeſaid*, That the ſaid Directors, or the Majority of them, ſhall make and execute Deeds for granting and conveying the ſaid One Hundred and Twenty-one Lots to the Subſcribers, their Heirs and Aſſigns, for ever; and alſo to every other Perſon who ſhall purchaſe any other Lot or Lots in the ſaid Town, at the Coſts and Charges of the Grantee to whom the ſame ſhall be conveyed; and every Perſon claiming any Lot or Lots by Virtue of any ſuch Conveyance, ſhall and may hold the ſame in Fee-ſimple.

V. *PRO-*

A. D. 1760.

V. *PROVIDED nevertheleſs*, That every Grantee of any Lot or Lots in the ſaid Town ſo conveyed, or hereafter to be conveyed, ſhall, within Three Years next after the Date of the Conveyance for the ſame, erect, build and finiſh, on each Lot ſo conveyed, one well framed Houſe, Sixteen Feet ſquare at the leaſt, and Ten Feet high in the Clear, with Brick or Stone Chimney or Chimnies, or proportionable to ſuch Dimenſions if ſuch Grantee ſhall have Two or more Lots contiguous; and if the Owner of any Lot ſhall fail to purſue and comply with the Directions in this Act preſcribed for building and finiſhing a Houſe thereon, then ſuch Lot upon which ſuch Houſe ſhall not be built and finiſhed, ſhall be reveſted in the ſaid Directors, and they, or the Majority of them, may, and are hereby impowered and authorized to ſell ſuch Lot for the beſt Price that can be had, to any Perſon applying for the ſame, in ſuch Manner, and under ſuch Reſtrictions as they could or might have done if ſuch Lot had not before been ſold or granted; and the Money ariſing by ſuch Sale, to be applied as the Directors, or the Majority of them, ſhall think proper for the Uſe of the Town.

VI. AND for continuing the Succeſſion of the ſaid Directors until the ſaid Town be Incorporated; *Be it further Enacted, by the Authority aforeſaid*, That in Caſe of the Death, Refuſal to act, or Removal out of the County of any of the ſaid Directors, the Surviving or other Directors, or the Majority of them, ſhall aſſemble, and are hereby impowered, from Time to Time, by Inſtrument of Writing under their reſpective Hands and Seals, to nominate ſome other Perſon being an Inhabitant or Freeholder in the ſaid Town, in the Place of him ſo dying, refuſing to act, or removing out of the Country; which new Director ſo nominated and appointed, ſhall, from thenceforth, have the like Power and Authority in all Things in the Matters herein contained, as if he had been expreſsly named and appointed in and by this Act.

CHAP. X.

An Act, to amend an Act, intituled, An Act, for the better Regulation of the Town of *Newbern*, and for ſecuring the Titles of Perſons who hold Lots in the ſaid Town, *paſſed the Thirtieth Day of* September, *One Thouſand Seven Hundred and Fifty-ſix.*

Private.

I. WHEREAS by the before recited Act, the Freeholders of the ſaid Town have Liberty Annually, on the Second *Tueſday* in *November*, to meet at the Court-houſe, then and there to elect and chooſe Five Freeholders of the ſaid Town to be Commiſſioners for the ſame, but no Directions to the Sheriff or any other Perſon, to open the Poll, or receive the Votes for electing ſuch Commiſſioners; and the ſame hath been neglected or refuſed by the Sheriff, on the Day appointed as aforeſaid for electing Commiſſioners for the enſuing Year, whereby the Town is at preſent without Commiſſioners, to the great Detriment thereof:

II. Wherefore, *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Sheriff of *Craven* County, or his Deputy, ſhall, on the Second *Tueſday* in *January* next, before the Hour of Ten o'Clock in the

A. D. 1760. Morning, open the Poll, and receive the Votes of the Freeholders for electing ſaid Commiſſioners as directed in the before mentioned Act, and continue the ſame open till Sun-ſet, then ſhall proclaim the Perſons to be Commiſſioners who ſhall have the moſt Suffrages; and in like Manner, ſhall, on the Second *Tueſday* in *November* Annually, open the Poll, receive the Votes, and proclaim the Commiſſioners as before directed, under the Penalty of Fifty Pounds Proclamation Money, for every Neglect or Refuſal of complying with the Directions of this Act: To be recovered from the ſaid Sheriff by Action of Debt, Bill, Plaint, or Information, in any Court of Record; wherein no Eſſoin, Injunction, or Wager of Law, ſhall be allowed or admitted, by any Perſon or Perſons who ſhall ſue for the ſame within one Year after ſuch Neglect or Refuſal; one Half to the Proſecutor, the other Half to be paid to the Commiſſioners for the Uſe of the ſaid Town, to be applied towards fencing in the ſame; which Commiſſioners ſo choſen or elected, ſhall have all the Powers and Authorities mentioned in the ſaid recited Act, or any other Act now in Force relating to the ſaid Town of *Newbern*.

CHAP. XI.

Expired

An Act, for deſtroying Crows, Blackbirds, and Squirrels, in the County of Hyde.

Private.

I. WHEREAS by the numerous Increaſe of Crows, Blackbirds, and Squirrels, much Damage and Injury is Yearly done, as well to growing Corn as Mast, in the County of *Hyde*; and without ſome ſpeedy Remedy be taken to prevent their future Increaſe, much greater Damage and Injury will Yearly enſue: For Remedy whereof,

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Maſter, Miſtreſs, or Overſeer of any Family, except ſuch Maſters, Miſtreſſes, and Overſeers, as dwell in that Part of the ſaid County called *Mattamuſkeet*, in the ſaid County, ſhall kill, or cauſe to be killed, in every Year, Two Crows, Fifty Blackbirds, and Five Squirrels, for each Taxable he or ſhe ſhall inliſt in the County aforeſaid; under the Penalty of forfeiting and paying the Sum of Two Shillings, Proclamation Money, for every Two Crows, for every Fifty Blackbirds, Two Shillings, and for every Five Squirrels, One Shilling, he or ſhe ſhall ſo fail or neglect to kill or cauſe to be killed, in the County aforeſaid; to be applied as is hereafter directed.

III. *AND be it further Enacted, by the Authority aforeſaid*, That every Maſter, Miſtreſs, or Overſeer on any Plantation, on making Oath before any Juſtice of the Peace for the County aforeſaid, that he or ſhe hath killed, or cauſed to be killed, Two Crows, Fifty Blackbirds, and Five Sqirrels, for each Taxable Perſon he or ſhe ſhall have inliſted, then the Juſtice ſhall give unto the Perſon aforeſaid a Certificate, ſignifying the ſame, and the Number of Crows, Blackbirds, and Squirrels ſo killed.

IV. AND

IV. AND for the more effectual Recovering the Fines aforeſaid, *Be it further Enacted, by the Authority aforeſaid*, That the Sheriff of the County aforeſaid, at the Time of receiving the Public Taxes, ſhall demand and receive of each Maſter, Miſtreſs, or Overſeer, a Certificate as aforeſaid, that he or ſhe hath killed, or cauſed to be killed, Two Crows, Fifty Blackbirds, and Five Squirrels for the laſt Year paſt; that on Neglect or Refuſal to produce a Certificate or pay the Penalties aforeſaid, that then the Sheriff ſhall make Diſtreſs on the Goods and Chattels of the Perſon or Perſons ſo failing or neglecting to kill, or cauſe to be killed, Two Crows, Fifty Blackbirds, and Five Squirrels; and ſell the Goods ſo attached at Public Sale, firſt giving Notice Five Days, by advertiſing the ſame at the Court-houſe and other convenient Places; and ſhall return the Overplus, if any, to the Owner; and the Sheriff ſhall be allowed Two Shillings Proclamation Money, for his Trouble of collecting and paying the ſame to the Juſtices of the Inferior Court of Quarter Seſſions; which ſaid Juſtices ſhall apply the ſaid Fine towards leſſening the County Charges. *A. D.* 1760.

V. *AND be it further Enacted, by the Authority aforeſaid*, That if the Sheriff ſhall refuſe or neglect to collect the Fines and Forfeitures as aforeſaid, he ſhall forfeit and pay the Sum of Five Pounds Proclamation Money; one Half to him that will ſue for the ſame; to be recovered in any Court of Record; the other Half of the ſaid Fine to be paid to the Churchwardens for the Uſe of the Pariſh.

VI. *AND be it further Enacted*, That this Act ſhall be in Force for and during the Space of Two Years, from the Firſt Day of *January* next enſuing this Date.

CHAP. XII.

An Act, for continuing James Davis *Printer to this Province.* EXP.

CHAP. XIII.

An Act, to continue an Act, intituled, An Act, for the Reſtraint of Vagrants, and for making Proviſion for the Poor, and other Purpoſes.

I. WHEREAS an Act paſſed at *Newbern* in the Twenty Ninth Year of the Reign of his preſent Majeſty, intituled, *An Act for the Reſtraint of Vagrants, and for making Proviſion for the Poor, and other Purpoſes*, will expire at the End of this preſent Seſſion of Aſſembly; and whereas the ſaid Act hath been found uſeful and convenient; Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the before recited Act ſhall continue and be in Force for and during the Term of Five Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer. Act continued.

SIGNED by

Read Three Times, and ratified in open Aſſembly, this 3d Day of *Decemb. Anno Dom.* 1760.

ARTHUR DOBBS, Eſq; Governor.
JAMES HASELL, Preſident.
SAMUEL SWANN, Speaker.

A. D. 1761.

ANNO REGNI GEORGII III, Regis, *Magnæ Britanniæ, Franciæ, & Hiberniæ*, Primo.

ARTH. DOBBS, Esq; Governor.

At an ASSEMBLY, begun and held at *Wilmington*, the Twentieth Day of *March*, in the First Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and in the Year of our Lord One Thousand Seven Hundred and Sixty-one; being the First Session of this present Assembly.

CHAP. I.

The first VIII Clauses of this Act are obsolete.

An Act, for granting to his Majesty an Aid of Twenty Thousand Pounds Proclamation Money, for raising, cloathing, and paying, Five Hundred effective Men, exclusive of Officers; to be employed as his Excellency the General, or Commander in Chief of his Majesty's Forces in America, *or his Excellency the Governor or Commander in Chief of this Province, shall direct or appoint; for paying and subsisting Fifty Men and Officers now in Garrison; and for appointing an Agent to represent to his Majesty and his Ministers, the Loyalty and the dutiful Behaviour of the Inhabiants of this Province, and their Zeal for his Majesty's Service; and also, to lay before his Majesty and his Ministers, proper Documents of the Charges and Expences this Province hath been, or shall be at, in his Majesty's Service during the present War; and to sollicit the Affairs of this Province at the several Boards in* England; *and other Purposes.*

20,000*l.* Bills of Credit emitted.

IX. AND whereas there is not Money in the Public Treasury to answer the Purposes aforesaid, and the reduced State of the Province renders it impracticable

practicable to raiſe the ſame by an immediate Poll-tax; *Be it Enacted, by the Authority aforeſaid*, That the Honourable *John Swann*, *Lewis DeRoſſett*, Eſqrs. *Samuel Swann*, and *John Starkey*, Eſqrs. are hereby authoriſed, impowered and required, to ſtamp or print, and make out, or cauſe to be ſtamped or printed, and alſo to ſign with their Hands, Public Bills of Credit, to the Amount of Twenty Thouſand Pounds, at the Rate of Proclamation Money; that is to ſay, One Thouſand Three Pound Bills, One Thouſand Forty Shilling Bills, One Thouſand of Thirty, Six Thouſand Five Hundred and Six of Twenty, Three Thouſand of Fifteen, Three Thouſand of Ten, Three Thouſand of Five, Two Thouſand Seven Hundred and Twenty of Four, Three Thouſand of Three Shillings, Three Thouſand of Two Shillings and Six-Pence, Five Thouſand of Two Shillings, Five Thouſand of One Shilling, Five Thouſand of Eight Pence, Five Thouſand of Six Pence, and Five Thouſand of Four-penny Bills; and ſhall receive for ſtamping or printing, making out, and ſigning the ſame, Two *per Cent.* and no more. And the ſaid *John Swann*, *Lewis DeRoſſett*, *Samuel Swann*, and *John Starkey*, Eſqrs, ſhall, before they ſtamp, print, or ſign any of the ſaid Public Bills of Credit, make Oath, before ſome Magiſtrate within this Province, that they will well and truly execute the Truſt in them repoſed by Virtue of this Act; and give their reſpective Bonds, with ſufficient Security, to our Sovereign Lord the King, his Heirs and Succeſſors, for the Uſe of this Province, in the Sum of Twenty Thouſand Pounds, each, for the faithful Diſcharge of the Truſt in them repoſed by this Act; which Bond ſhall be lodged in the Secretary's Office. A. D. 1761.

To be delivered into the Treaſury.

X. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Bills of Credit, when ſo ſtamped or printed, and ſigned as aforeſaid, ſhall be delivered to *John Starkey*, Eſq; Public Treaſurer of the *Southern* Diſtrict; and ſhall be by him applied to the Uſes and Purpoſes by this Act directed.

To be current in all Payments,

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Bills of Credit to be emitted by this Act, ſhall be current, and a lawful Tender in all Payments whatſoever as Proclamation Money.

Treaſurer to pay the ſame to ſuch Perſons as the Governor ſhall appoint,

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Public Treaſurer, when directed, (until the Sum of Twenty Thouſand Pounds by this Act granted for paying and ſubſiſting the aforementioned Regiment, and the ſaid Fifty Men and Officers now in Garriſon, ſhall be fully paid) ſhall make Payment in the ſaid Bills of Credit to ſuch Perſon or Perſons as the Governor or Commander in Chief by his Warrant ſhall order and appoint to receive the ſame.

Perſons receiving the ſame, to give Security.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Perſon or Perſons who ſhall receive the ſaid Sum of Twenty Thouſand Pounds, or any Part thereof, by Virtue of any ſuch Warrant or Warrants, ſhall account with the General Aſſembly for the ſame; and every ſuch Perſon or Perſons, before receiving the ſaid Monies, ſhall enter into Bond, with good and ſufficient Security, to his Majeſty, his Heirs and Succeſſors, in double the Sum or Sums he ſhall receive, with Condition, that he will account with the General Aſſembly for the Sum or Sums he ſhall ſo receive from the ſaid Treaſurer by Virtue of ſuch Warrant; which Bond ſhall be

A. D. 1761. be taken by, and lodged with the Treaſurer; and in Caſe of a Breach of the Condition thereof, may be put in Suit, and Judgment being obtained thereon, the Money recovered ſhall be applied towards defraying the contingent Charges of Government, in ſuch Manner as the Governor, Council, and Aſſembly, ſhall direct, and to no other Uſe whatſoever.

Surplus applied to Contingencies of Government.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Sum of Twenty Thouſand Pounds, ſhall be, by Direction of the Governor or Commander in Chief for the Time being, applied to the particular Purpoſes by this Act herein before directed, if neceſſary; but if a leſs Sum ſhould be found ſufficient for the ſame, the Surplus ſhall be applied towards defraying the contingent Charges of Government, already allowed, or which ſhall be hereafter allowed by the Governor, Council, and Aſſembly, and to no other Purpoſes whatſoever.

Colonel allowed 6 l. a Man for Cloathing.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That each able bodied Man, inliſting voluntarily in the ſaid Service, as ſoon as may be after inliſting, ſhall be properly cloathed; for which Expence of Cloathing and furniſhing each Soldier with a Blanket, the Colonel ſhall have an Allowance, not exceeding Six Pounds a Man.

Pen. on counterfeiting Bills of Credit.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon ſhall forge or counterfeit any of the above-mentioned Bills of Credit, or ſhall paſs or uttter the ſame in Payment or Exchange, knowing the ſame to be forged or counterfeited, the Offender therein being lawfully convicted, ſhall be adjudged a Felon, and ſuffer as in Caſes of Felony, without Benefit of Clergy.

Poll-Tax of 2 s. laid.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That for redeeming the ſaid Public Bills of Credit, a Poll-tax of Two Shillings Proclamation Money, be laid on every taxable Perſon within this Province, to commence on the Firſt Day of *January*, which ſhall be in the Year of our Lord One Thouſand Seven Hundred and Sixty-Four, and to continue until the whole Sum to be emitted by this Act ſhall be paid in and burnt: Which ſaid Tax ſhall be collected by the Sheriffs of the ſeveral Counties, and accounted for and paid to the Treaſurers of the ſeveral Diſtricts, in the ſame Manner, and under the like Penalties, as are by Law directed for the collecting, accounting for, and paying other Taxes.

XVIII. AND whereas for Want of an Agent, appointed by Law to repreſent to his Majeſty the Loyalty of the Inhabitants of this Province, and the active Zeal they have ſhewn for his Service, in the ſeveral large Aids (their Circumſtances conſidered) granted by them, in Support of the Common Cauſe, in the preſent War againſt the *French*, and their *Indian* Allies, to lay before his Majeſty and his Miniſters proper Documents thereof, and to ſollicit the Affairs of this Province at the ſeveral Boards in *England*; the ſame has often been miſrepreſented there, to the great Prejudice of the Inhabitants of this Colony:

Agent appointed.

XIX. WE pray it may be Enacted, *And be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That *Cuchet Jouvencell*, of the City

City of *Weſtminſter*, Eſq; be, and is hereby appointed Agent of this Province, for and during the Term of Two Years, to commence from the Firſt Day of *October* next, after the paſſing of this Act, to ſollicit, repreſent, and tranſact, all ſuch Public Affairs and Buſineſs, now relating to this Province, or that ſhall or may be moved concerning the ſame at any of the Boards in *England*, during the ſaid Term or Time, according as he ſhall, from Time to Time, find Occaſion, or be directed and inſtructed by the Committee of Correſpondence herein after appointed; and that the ſaid *Cuchet Jouvencell*, in Conſideration of his Trouble, Charges, and Expences, in tranſacting the Public Buſineſs of this Province as Agent, from the Firſt Day of *October* next, be, and is hereby allowed the Sum of Two Hundred Pounds *Sterl. per Annum*, to be paid to the ſaid Committee for the Uſe of the ſaid *Cuchet Jouvencell*, out of the Public Treaſury, or out of the Proportion of the Money granted, or to be granted by the Parliament of *Great-Britain* for the Uſe of this Province, by a Warrant from the Governor or Commander in Chief for the Time being; which ſaid Sum, if paid out of the Public Treaſury of this Province, ſhall be by the ſaid Committee remitted to the ſaid *Cuchet Jouvencell*, Annually, in Bills of Exchange, to be purchaſed by the ſaid Committee. *A. D.* 1761.

Committee of Correſpondence appointed.

XX. *AND be it further Enacted, by the Authority aforeſaid*, That the Honourable *John Swann*, *Lewis DeRoſſet*, and *Maurice Moore*, Eſquirs, and *Samuel Swann*, *John Starkey*, *John Aſhe*, *Cornelius Harnett*, and *Frances Corbin*, Eſqrs. are nominated and appointed a Committee of Correſpondence, from the paſſing of this Act, and during the Continuance of the ſaid Agency; and that they, or the Majority of them, or the Majority of the Survivors of them, ſhall, from Time to Time, during the ſaid Agency, correſpond with the ſaid *Cuchet Jouvencell*, and adviſe, direct, and inſtruct him in all ſuch Matters relating to this Province as may be moved or ſollicited before his Majeſty in Council, or at any of the Boards in *England*; and the ſaid Committee ſhall, from Time to Time, as often as required, lay before the Governor, Council and Aſſembly, the Advices they ſhall receive from the ſaid Agent during the ſaid Agency, and alſo Copies of ſuch Diſpatches, Orders, and Directions, as they ſhall ſend to him.

CHAP. II.

An Act, for an additional Act to an Act, intituled, An Act, to make Proviſion for paying the Chief Juſtice and Attorney-General's Salaries, and defraying the contingent Charges of Government.

Preamble.

I. WHEREAS by the before recited Act, a Poll-tax of One Shilling and Six-pence, Proclamation Money, was to be levied on each taxable Perſon, for the paying the Chief Juſtice and Attorney-General, and for paying and diſcharging the Claims of Perſons to whom the Public was indebted, and for other Charges on the Public; and to commence on the Tenth Day of *June*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-nine, and to continue for the Space of Four Years, and from thence to the End of the next Seſſion of Aſſembly; which ſaid Tax has been found not ſufficient to diſcharge the ſeveral Charges and neceſſary Claims on the Public: For Remedy whereof,

II. WE

A. D. 1761. Tax of 2 s. laid.

II. WE pray that it may be Enacted, *And be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That an additional Poll-tax of Two Shilllings be levied on each taxable Perſon within this Province, for and during the Space of Five Years from and after the Tenth Day of *June* next; which ſaid Tax ſhall be paid to, and collected by the ſeveral Sheriffs, and accounted for in the ſame Manner, and to the ſame Perſons, and applied to the ſame Uſes, and under the ſame Regulations and Directions, and the like Fines, Forfeitures and Penalties, as is directed and inflicted by the before recited Act.

CHAP. III.

The Veſtry Act, on which this depends, repeal'd.

An Act, to impower the Inhabitants of ſeveral Pariſhes within this Province that have no legal Veſtry within their reſpective Pariſhes, to meet and elect Veſtries.

CHAP. IV.

An Act, to appoint Commiſſioners to further improve and amend the Navigation of New-River, *in* Onſlow *County, to raiſe a Fund by a Lottery, to defray the Expence thereof.*

Private.

I. WHEREAS an Act of Aſſembly, intituled, *An Act, to improve and amend the Navigation of* New-River, *in* Onſlow *County*, paſſed in the Year One Thouſand Seven Hundred and Forty-one, by Reaſon of the Death of the Commiſſioners, and Smallneſs of the Fund, has not anſwered fully the good Purpoſes thereby intended, altho' from what was then done, the Scheme appears practicable.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That *William Cray*, *Richard Ward*, and *Henry Roads*, be, and are hereby conſtituted and appointed Commiſſioners, and authorized and impowered to contract and agree with ſuch Perſon or Perſons as are willing to undertake the ſame, for the more perfect clearing away, and removing the Rock or Shell, or cutting through the Marſh, fronting *New-River* Inlet, in ſuch Manner as in their Diſcretion ſhall beſt promote the Navigation thereof; provided the Sum ſo contracted for ſhall not exceed Two Hundred Pounds, Proclamation Money.

III. TO enable the ſaid Commiſſioners to diſcharge the ſaid Contract; *Be it Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners ſhall, and are hereby appointed Managers, for undertaking, carrying on, and drawing a Lottery, at the Court-houſe on *New-River*, for the Purpoſes aforeſaid, with Power to iſſue One Thouſand Tickets, to be ſigned by themſelves, at the Price of Thirty Shillings Proclamation Money for each Ticket; in the Form following:

NEW-

N°

NEW-RIVER LOTTERY.

THIS TICKET intitles the Bearer to whatever Prize may be drawn againſt the Number, deducting Fifteen *per Cent.* as by Act of Aſſembly paſſed in *April*, 1761.

And on the Firſt *Tueſday* in *November* next, at the Court-houſe on *New-River*, ſhall begin the Drawing of the ſaid Lottery, if a ſufficient Number of Tickets ſhall by that Time be diſpoſed of; and the Calculation of the Chances ſhall be as follows;

Two Prizes of	£. 100	is £.	200	
Two Prizes of	50	is	100	
Two Prizes of	25	is	50	
Ten Prizes of	10	is	100	
Two Hundred and Five Prizes of	5	is	1025	
Firſt Ticket drawn,			12	10 ſ.
Laſt Ticket drawn,			12	10 ſ.
At 15 *per Cent.*		£.	1500	is £. 225

IV. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the ſaid Managers to deduct, out of the Amount of every Prize, Fifteen *per Cent.* to be applied as hereafter mentioned: But before any Ticket ſhall be iſſued, the ſaid Managers ſhall give Bond, payable to his Excellency the Governor, and his Succeſſors, in the Penalty of One Thouſand Five Hundred Pounds, Proclamation Money; with Condition, for the faithful Diſcharge of the Truſt repoſed in them by this Act; which Bond ſhall be recorded in the County Court of *Onſlow*, and any Perſon injured may have Judgment thereon againſt the Managers.

V. *AND be it further Enacted*, That the ſaid Managers ſhall, before they enter on the Execution of their Office, before any Juſtice of the Peace for the County of *Onſlow*, take the following Oath, *viz.*

I A. B. *do ſolemnly ſwear, that I will faithfully execute the Office of Manager to the New-River* Lottery, *according to the Directions of the Act of Aſſembly in that Caſe made and provided.*

So help me God.

VI. AND for the more ready Sale of the Tickets, *Be it Enacted, by the Authority aforeſaid*, That the Managers, on Diſpoſal of any of the ſaid Tickets, may take Notes from the Purchaſer, with Security, if required, in the Form following:

A. D. 1761. *I, or We, do jointly or ſeverally* (as the Caſe may be) *promiſe to pay to* William Cray, Richard Ward, *and* Henry Roads, *Managers of the* New-River *Lottery, or their Aſſigns, the Sum of within Two Months after the drawing the ſaid Lottery, of Value received for Tickets bought by Witneſs my Hand, the Day of*

Which Note ſhall be deemed valid againſt the Subſcriber, theirs, and each of their Perſons and Eſtates; and the Managers ſhall be intitled to demand and receive the Sum therein mentioned from the Subſcribers; and on Neglect or Refuſal of Payment at the Time limited for Payment being expired, may, on Application to any One Magiſtrate, obtain a Warrant, and on Judgment, have Execution thereon; which ſaid Magiſtrate is hereby authoriſed and impowered to grant, in the ſame Manner as he may in other Matters under the Value of Forty Shillings by the Law now in Force.

VII. *AND be it Enacted*, That the ſaid Managers may take Twenty Five Pounds, or Notes to that Amount, as Satisfaction for keeping the Accounts, drawing the Lottery, and whole Charge thereof, and no more; and the remaining Two Hundred Pounds ſhall be applied to the amending the Navigation of *New-River*; and to no other Purpoſe whatſoever. *Provided nevertheleſs*, That if the whole Sum of Two Hundred Pounds ſhall not be expended in the improving the Navigation as aforeſaid, the Reſidue thereof unapplied ſhall go in Aid of the County Tax of *Onſlow*.

CHAP. V.

An Act, to amend and improve the Navigation from Currituck *Inlet through the Diſtrict in* Currituck *County to* Albemarle *Sound*. REP.

CHAP. VI.

An Act, to impower the Inferior Court of Pleas and Quarter Seſſions for the County of Northampton, *to lay a Tax to pay ſundry Perſons who have ſuffered by the burning of* Pace's *Warehouſe in the ſaid County; and other Purpoſes.*

Preamble.

I. WHEREAS the Public Warehouſe in the County of *Northampton*, called *Pace*'s Warehouſe, lately by Accident burnt, with a great Quantity of Tobacco, belonging to ſundry Perſons in the ſaid County; and there being no Law now in Force to aſcertain the Method of raiſing a Sum of Money ſufficient to pay and ſatisfy the Loſs thereof to the Sufferers: For Remedy whereof,

Sufferers allowed for their Tobacco.

II. WE pray that it may be Enacted, *And be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid Inferior Court of Pleas and Quarter Seſſions, for the County of *Northampton*, is hereby authoriſed and directed, upon Application made to them by any Perſon that had Tobacco burnt in the ſaid Warehouſe, and Proof made thereof, to allow ſuch Perſon ſo much Money as he ſhall make appear he has ſuſtained by ſuch Warehouſe being burnt; and to lay a Tax on the Inhabitants of the ſaid County, ſufficient to pay and ſatisfy all ſuch Loſs as ſuch Perſon ſhall make appear he has ſuſtained thereby: Which ſaid Tax

Tax ſhall be collected by the Sheriff, in the ſame Manner, and under the like Rules and Reſtrictions, Fines, Forfeitures and Penalties, as are directed and inflicted by Law in paying and collecting other Taxes. *A. D.* 1761.

How paid.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Inferior Court of Pleas and Quarter Seſſions, upon Application made to them, by any Perſon as aforeſaid, having a Claim on the ſaid County for Tobacco burnt in the aforeſaid Warehouſe, ſhall order and direct the Sheriff, after collecting the aforeſaid Tax as aforeſaid, to pay ſo much Money out of the ſame to any ſuch Perſon as ſhall have been allowed by ſuch Court.

Sheriff impowered to receive the Taxes for 1760.

IV. AND whereas there was no Court held for the ſaid County in the Year One Thouſand Seven Hundred and Sixty, or Magiſtrates qualified at the Times by Law appointed for taking the Liſt of Taxables; by Means whereof, there was no Public, County, or Pariſh Tax, collected for that Year: Therefore, *Be it Enacted, by the Authority aforeſaid*, That the Sheriff of the aforeſaid County is hereby directed and authoriſed, to collect from the Taxable Perſons of the aforeſaid County, the Public Taxes, already impoſed by the ſeveral Acts of Aſſembly of this Province by the Liſt of Taxables returned by the Juſtices of ſuch County, in the Year One Thouſand Seven Hundred and Fifty-nine, and account for the ſame to the Treaſurer, in the ſame Manner, and under the like Rules and Reſtrictions, as he is by Law to account for and pay other Public Taxes; and the Juſtices of the aforeſaid Inferior Court, and the Veſtry of the Pariſh of St. *George*, within the ſaid County of *Northampton*, reſpectively, ſhall, as ſoon as conveniently may be, lay ſuch Tax on the County or Pariſh, (as the Caſe may be) for paying and defraying all ſuch County or Pariſh Debt or Debts, and which ought to have been collected and paid in the Year One Thouſand Seven Hundred and Sixty, and apply the Monies thereby ariſing, to ſuch Uſe or Uſes as the ſame was levied for: Any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Warehouſe burnt with Tobacco from any other County, that Co. to bear the Loſs.

V. *AND be it further Enacted, by the Authority aforeſaid*, That if any Public Warehouſe ſhall hereafter be burnt with Tobacco therein, ſent from any other County than that wherein ſuch Warehouſe ſhall be, the Loſs ſuſtained thereby, ſhall be made good to the Sufferers by the County where ſuch Tobacco ſhall have been made; and upon due Proof made thereof to the Inferior Court of the County where ſuch Tobacco ſhall have been made, ſuch Court is hereby directed and impowered, to allow for the ſame, and lay a Tax on the Inhabitants thereof, ſufficient to pay and ſatisfy ſuch Loſs: Which ſaid Tax ſhall be collected by the Sheriff, in the ſame Manner as other Taxes; and the Sheriff ſhall pay the Money ſo to be collected, to ſuch Perſon as the ſaid Court ſhall order, having a Claim for ſuch Tobacco burnt as aforeſaid.

Surplus of the Tax appropriated.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That in either of the aforeſaid Caſes, if there ſhall be a greater Sum of Money levied and collected by Virtue of this Act than will be ſufficient to anſwer the Purpoſes thereby intended, the Overplus ſhall be applied towards diſcharging the Debts of the County, where the ſame ſhall be laid.

CHAP.

A. D. 1761.

CHAP. VII.

The first IV Clauſes of this Act provided for by the Superior and Inferior Crt. Acts, paſſed *Dec.* 1762, Chap I. and Chap. II.

An Act, for altering the Times of holding the Superior Court of Pleas and Grand Seſſions for the Diſtrict of Newbern; *and alſo, the Inferior Courts of Pleas and Quarter Seſſions in the Counties of* Orange *and* Carteret; *and for other Purpoſes.*

One Juſtice may try 40 *ſ.*

V. AND whereas giving a Power to Two Juſtices to take Cognizance of, and determine all Debts above the Value of Twenty Shillings, Proclamation Money, and not exceeding Forty Shillings, like Money, from the great Difficulty and Inconvenience of getting Two Juſtices together, has been found not to anſwer the Purpoſe by Law intended: Wherefore, *Be it Enacted, by the Authority aforeſaid,* That all Debts and Demands, not exceeding Forty Shillings, Proclamation Money, ſhall, and are hereby declared to be cognizable and determinable by any One Juſtice of the Peace; who ſhall have full Power and Authority to give Judgment, and thereupon to award Execution againſt the Goods and Chattels, or Body of the Debtor, or Party againſt whom Judgment ſhall be given; but if either of the Parties ſhall be diſſatisfied with the Judgment given by any Juſtice, he may appeal to the next Inferior Court of Pleas and Quarter Seſſions, under the ſame Rules and Regulations, as are directed by an Act, intituled, *An Act to eſtabliſh Inferior Courts of Pleas and Quarter Seſſions in the ſeveral Counties in this Province.*

Repealing Clauſe.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That ſo much of one Act of Aſſembly, intituled, *An Act for eſtabliſhing Superior Courts of Pleas and Grand Seſſions, and regulating the Proceedings therein*; and alſo, ſo much of one other Act, intituled, *An Act, to eſtabliſh Inferior Courts of Pleas and Quarter Seſſions in the ſeveral Counties in this Province*, as relate to any Matter or Thing within the Purview of this Act, are hereby repealed and made void.

CHAP. VIII.

An Act, for building a Court-houſe in the Town of Newbern, *in the County of* Craven, *for raiſing a Tax, and for appointing Commiſſioners for building the ſame; and for repealing an Act paſſed at* Wilmington *the* 20*th Day of* November, 1759, *intituled,* An Act, for appointing Commiſſioners for finiſhing the Court-houſe already begun in the Town of *Newbern*; and for other Purpoſes.

Private.

I. WHEREAS the ſaid County is at preſent, and hath been for ſome Years paſt, without a Court-houſe to hold their Courts in; and the Commiſſioners mentioned in the before recited Act, having neglected building and finiſhing the Court-houſe therein mentioned, to the great Detriment and Inconvenience of the Inhabitants thereof:

II. *BE*

A. D. 1761.

II. *BE it therefore Enacted, and it is hereby Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That a Court-houſe for the ſaid County, not exceeding Sixty Feet long, and Forty Feet wide in the Clear, be built on the Public Lots in the Town of *Newbern*, nearly oppoſite Mr. *Rice*'s *Red-Houſe*, or in the Interſection of *Broad-Street*, where a Court-houſe is already begun, whichſoever of the ſaid Places they the Commiſſioners herein after appointed for carrying on the ſaid Building, or the Majority of them, ſhall judge moſt convenient.

III. *AND be it further Enacted, by the Authority aforeſaid,* That a Poll-Tax of Two Shillings, Proclamation Money, be, and is hereby laid on each taxable Perſon within the ſaid County of *Craven*, Yearly, for Three Years, from and after the paſſing of this Act; to be levied and collected by the Sheriff of the ſaid County, in like Manner, and at the ſame Time, as Public Taxes are collected; which ſhall by him be accounted for, and paid into the Hands of the Honourable *Richard Spaight*, Eſq; *Joſeph Leech*, and *John Fonville*, Eſqs. Commiſſioners, hereby appointed for building and finiſhing the ſaid Court-houſe, or to the Majority of them, or their Orders, who are to build the ſame at their Diſcretion; the Firſt Collection of the ſaid Tax to be made, accounted for, and paid by the ſaid Sheriff unto the ſaid Commiſſioners, or their Orders, on or before the Tenth Day of *April*, 1762, and ſo, Annually, till the ſaid Three Years are expired.

IV. AND for the better enabling the ſaid Commiſſioners to carry on, and finiſh the ſaid Court-houſe, as ſoon as may be; *It is hereby Enacted, by the Authority aforeſaid*, That they the ſaid Commiſſioners, or the Majority of them, ſhall be, and they are hereby inveſted with full Power and Authority, to ſell and diſpoſe of the Lot belonging to the ſaid County, whereon the old Court-houſe and Priſon formerly ſtood, at Public Vendue, at any Time hereafter, on giving Public Notice thereof, at leaſt Twenty Days before the Sale; and after ſuch Sale, to convey and make over the ſame in Fee-ſimple, to the Perſon or Perſons ſo buying and paying for the ſame, and to their Heirs, Executors, Adminiſtrators, and Aſſigns, by ſuch Inſtrument or Inſtruments in writing, as ſhall be ſufficient and available in Law; and alſo full Power and Authority to ſell and diſpoſe of the Bricks already laid, that were intended by the before recited Act to build a Court-houſe with, in Caſe the ſaid Work ſhould be found inſufficient to build on: And alſo, full Power and Authority to demand and receive from every Perſon or Perſons, all ſuch Sum or Sums of Money they may have in their Hands belonging to the ſaid County, excepting ſuch Taxes as hath been from Time to Time laid for paying Jury Tickets; and on ſuch Perſon or Perſons Neglect or Refuſal to account for and pay ſuch Sum and Sums of Money to them the ſaid Commiſſioners, they the ſaid Commiſſioners, or the Majority of them, are hereby authorized and impowered, in their own Names, to proceed againſt them, or any of them, for the Recovery thereof, in the ſame Manner and and Form, as Sheriffs may be ſued or proceeded againſt that have or detain Public Money in their Hands: And the Money ariſing from the aforeſaid Tax, Sale of the aforeſaid Lot, and Bricks; and what Money may be recovered of the Debts due to the County, ſhall be applied by the ſaid Commiſſioners, or the Majority of them, towards building, finiſhing, and compleating the Court-houſe as aforeſaid; and if there ſhould be any Surplus of the Money in their Hands after building, finiſhing,

A. D. 1761. and compleating the ſame, it ſhall be paid by the ſaid Commiſſioners to the Juſtices of the Inferior Court of the ſaid County; to be applied by them towards leſſening the County Tax.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff of the County aforeſaid, ſhall, before he receives any Part of the Tax herein laid, enter into Bond, with Two ſufficient Securities, to the ſaid Commiſſioners, that he will duly collect and pay the ſame unto the ſaid Commiſſioners for the Uſes aforeſaid; and every ſuch Sheriff who ſhall fail or neglect to give ſuch Bond and Security, ſhall forfeit and pay the Sum of Twenty Pounds, Proclamation Money: To be recovered with Coſts, by Action of Debt or Information, in any Court of Record, by the ſaid Commiſſioners, or the Majority of them, for and towards building and finiſhing the ſaid Court-houſe; and upon ſuch Refuſal or Neglect of ſuch Sheriff, they the ſaid Commiſſioners, or the Majority of them, ſhall, and are hereby required, to nominate and appoint ſome other Perſon to collect and receive the aforeſaid Tax; who ſhall give Bond and Security to collect and pay the ſame in Manner aforeſaid; and thereupon ſhall, and is hereby declared to have full Power and Authority, to collect and receive the ſame, under the like Rules and Regulations as the Sheriff could or might have received the ſame.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the before recited Act, intituled, *An Act, for appointing Commiſſioners for finiſhing the Court-houſe already begun in the Town of* Newbern, *and for other Purpoſes*, be, and is hereby from hence repealed and made void.

CHAP. IX.

An Act, to prevent the exacting of illegal and exorbitant Fees in levying Executions by Sherifs, and other Officers.

Preamble.

I. WHEREAS there is not any Law in Force in this Province to oblige the ſeveral Sherifs to deliver an Account, or Bill of their Fees, on levying of any Execution; For Want of which, many illegal and exorbitant Fees have been exacted, to the great Oppreſſion of Suitors, and others;

Sheriff to give a Bill of Fees to the Plaintiff on levying Execution.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the Firſt Day of *June* next, each and every Sheriff within this Province, ſhall, on levying any Execution for any Debt, Damages, or Coſts, for which ſuch Execution ſhall iſſue, make out a Bill of his Fees due on ſuch Action or Suit; and ſet down under the ſaid Bill, the Amount of the Clerk's, Attorney's, or other indorſed Fees, ſeparately and diſtinctly, and give a Receipt for the ſame to the Party againſt whom ſuch Execution ſhall iſſue; and alſo, ſhall indorſe the Amount of his own Fees he ſhall ſo take, on the Back of ſuch Execution, to be entered by the Clerk on the Execution Docket: And in Caſe any Sheriff within this Province, or any other Perſon authorized to levy any Execution, ſhall fail or neglect to make out ſuch Bill of his Fees, and ſet down the Clerk's, Attorney's, and other indorſed Fees as aforeſaid; and alſo, indorſe his own Fee on the Back

Back of the Execution as aforeſaid, the Sheriff or other Perſon ſo failing, ſhall forfeit and pay the Sum of Ten Pounds Proclamation Money: To be recovered by Action of Debt, in the Court from whence ſuch Execution iſſued; wherein no Eſſoign, Injunction, or Wager of Law, ſhall be allowed or admitted of; one Half of which Sum ſhall go to the Party who ſhall ſue for the ſame, and the other Half to be applied towards the contingent Charges of the County wherein ſuch Sheriff reſides. *A. D.* 1761.

CHAP. X.

An Act, for amending an Act, intituled, An Act, for dividing the Pariſh of St. *John*, in *Granville* County.

I. WHEREAS by an Act of Aſſembly paſſed at *Edenton* the Twenty-third Day of *November*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-eight, intituled, *An Act, for dividing the Pariſh of St.* John's, *in* Granville *County*, it was Enacted, That the ſaid Pariſh ſhould be divided by a Line beginning at *Cotton* Creek, where the *Virginia* Line croſſes the ſame; and there being no ſuch Place found, by which Means, Diſputes are likely to ariſe between the Inhabitants of each Pariſh concerning the ſaid Line: For Prevention whereof, Private.

II. WE pray that it may be Enacted, *And be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That at any Time after the Firſt Day of *May* next, the ſaid Dividing Line be run as followeth, *to wit*, To begin where *Jefferſon*'s Road now croſſes the *Virginia* Line; running thence a direct Line to *Horſe* Creek, where *Johnſton* County Line croſſes the ſaid Creek; and all that Part of the ſaid Pariſh formerly called Saint *John*'s, which ſhall be *Eaſtward* of the ſaid Line, ſhall remain and be called the Pariſh of Saint *John*'s; and all that Part of the ſaid Pariſh which ſhall be to the *Weſtward* of ſaid Line, ſhall be held, deemed, taken, and called the Pariſh of *Granville*.

III. *AND be it further Enacted, by the Authority aforeſaid*, That Mr. *Robert Harris*, Mr. *Richard Henderſon*, Mr. *William Johnſton*, and Mr. *Gideon Macon*, and they, or any Two of them, are hereby appointed Commiſſioners to run the ſaid Line; and that the Pariſh of *Granville* bear the Expence of the ſame; to be paid by the Churchwardens out of the Pariſh Tax.

IV. *PROVIDED*, That nothing herein contained, ſhall be conſtrued to debar the Sheriff or Collector of the Pariſh of Saint *John*'s, from making Diſtreſs for any Levies or Taxes which ſhall be due to ſaid Pariſh from ſuch Inhabitants, as were deemed before the paſſing of this Act to be within the Pariſh of Saint *John*'s; any Thing herein contained to the contrary notwithſtanding.

CHAP.

A. D. 1761.

CHAP. XI.

An Act, for adding Part of Orange *County to* Johnſton *County, and for aſcertaining the Dividing Line between the ſaid Counties.*

Private.

I. WHEREAS the Inhabitants of that Part of *Orange* County lying upon *Neuſe* River, labour under great Inconveniency, by Reaſon of the great Diſtance to the Court-houſe of the ſaid County;

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That that Part of *Orange* County, lying on *Neuſe* River, be added to the County of *Johnſton*; and be divided by a Line to begin at the *South-weſt* Corner of *Granville* County; and running thence a due *South* Courſe to *Johnſton* or *Cumberland* County Line, which of the ſaid County Lines it may firſt interſect.

III. *AND be it further Enacted, by the Authority aforeſaid,* That *William Churton* and *Theophilus Hunter*, be, and they are hereby appointed Commiſſioners to run the ſaid Line.

IV. AND for defraying the Charges thereof, *Be it Enacted, by the Authority aforeſaid,* That the Inferior Court of Pleas and Quarter Seſſions of *Johnſton* County, be, and is hereby impowered, to lay a Poll Tax, not exceeding the Sum of Four Pence, Proclamation Money, *per* Taxable, upon the Inhabitants of *Johnſton* County; and ſhall cauſe the ſame to be levied in the ſame Manner that the Public Taxes are levied; and ſhall, out of the Money ariſing by the ſaid Tax, pay and ſatisfy the Commiſſioners aforeſaid, for their Trouble and Charges expended in running the Lines aforeſaid; and ſhall apply the Money remaining (if any there be) to the Uſe of the County.

V. *AND be it further Enacted, by the Authority aforeſaid,* That the Part of *Orange* County hereby added to *Johnſton* County, from henceforth, ſhall be deemed, held and taken, to be part of the County of *Johnſton*; and that the Inhabitants thereof, be ſubject and liable to the ſame Rules, Orders and Taxes, as any other of the Inhabitants of the ſaid County now, or ſhall hereafter be ſubject or liable to; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That nothing herein contained, ſhall be conſtrued to debar the Sheriff of the aforeſaid County of *Orange*, as the ſame ſtands now undivided, to make Diſtreſs for any Taxes, Levies, Fees, or other Dues, that are now, or ſhall be due from the Inhabitants of the ſaid County for the Year of our Lord One Thouſand Seven Hundred and Sixty, or before, that he may make Diſtreſs in the ſame Manner as by Law the ſaid Sheriff could or might have done if the ſaid County had remained undivided; and the ſaid Levies, Fees, and other Dues, ſhall be collected and accounted for in the ſame Manner as if this Act had never been made: Any Thing herein contained to the contrary notwithſtanding.

CHAP.

CHAP. XII.

A. D. 1761.

An Act, for enlarging the Time for Inſpection of Tobacco at the Public Warehouſe in the Town of Tarborough, *in the County of* Edgcomb; *and for increaſing the Salaries of the Inſpectors thereof.*

Preamble.

I. WHEREAS it has been repreſented to this Aſſembly, that by Reaſon of the great Quantity of Tobacco brought to the Inſpection at the Town of *Tarborough*, in the County of *Edgcomb*, the Inſpectors officiating at the ſaid Inſpection, cannot diſcharge the Duty of their Office in the Time limited by the former Acts of Aſſembly of this Province: For Remedy whereof,

Inſpectors when to attend.

II. WE pray that it may be Enacted, *And be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the Tenth Day of *July* next, the Inſpectors of Tobacco for the aforeſaid Warehouſe, ſhall conſtantly attend the ſaid Warehouſe, from the Firſt Day of *October*, until the laſt Day of *March*, (*Sundays*, and Holy-days, or when hindered by Sickneſs, excepted) and ſhall receive and inſpect all Tobaccoes brought to the ſaid Warehouſe within the Time limited as aforeſaid, under the ſame Rules and Reſtrictions, and the like Pains and Penalties, as by the former Acts of Aſſembly of this Province are inflicted and directed: And that the ſaid Inſpectors, for their Services in attending the ſaid Inſpection, ſhall be paid the Sum of Forty Pounds, Proclamation Money, each, Annually, inſtead of the Salaries by the former Acts of Aſſembly of this Province ſpecified.

CHAP. XIII.

An Act, to appoint Commiſſioners of the Roads for a certain Diſtrict in Bladen *County*

Provided for by Road Act

Private.

I. WHEREAS a Road which makes out of the *North Weſt* high Road in *Bladen* County, about Five Miles below the Court-houſe, which was very uſeful to the Inhabitants, as well as to People travelling to *South Carolina*, is now ſo neglected for Want of Commiſſioners, that it is become impaſſable, to the great Detriment of the Public:

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That *William Stewart*, *William Johnſton*, *Andrew Mattaland*, *Joſhua Stephens*, and *Daniel Shipman*, be, and they are hereby appointed Commiſſioners of the ſaid Road, as well as all other Roads within their Diſtrict; and are inveſted with the ſame Powers and Authorities, and liable to the ſame Penalties, as other Commiſſioners of Roads in this Province are liable to.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Diſtrict over which the ſaid Commiſſioners are to have Juriſdiction, ſhall begin from where *Brown*'s Creek interſects the *North-Weſt* Main Road, from thence over the *Brown*

A. D. 1761. *Marſh* to the *Weſtern* Prong of the *Waggamaw*; and from thence to the *Double* Branch, within Six Miles of the Branches of *Drowning* Creek, taking in the Bridges near *John Green*'s on the *White-Marſh*.

CHAP. XIV.

An Act, to impower the ſeveral Superior and Inferior Courts within this Province, to admit a Copy of the laſt Will and Teſtament of any Perſon deceaſed, to be given in Evidence. EXP.

CHAP. XV.

An Act, to dock the Entail of certain Lands therein mentioned, veſting the Fee-ſimple thereof in Blake Baker, *and for ſettling other Lands in Lieu thereof to the ſame Uſes.*

Private.

I. WHEREAS Colonel *Barnaby McKinney*, late of this Province, deceaſed, being, in his Lifetime, ſeized in his Demeſne, as of Fee, of, and into, certain Tracts of Land, lying and being in *Halifax* County, (formerly *Edgcomb*) and being ſo ſeized, the ſaid *Barnaby McKinney* did, by his laſt Will and Teſtament, in writing, bearing Date the Thirteenth Day of *Auguſt*, in the Year of our Lord One Thouſand Seven Hundred and Thirty Seven, deviſe to his Son *Richard McKinney*, in Fee-tail, (together with other Lands) that Tract of Land whereon the ſaid *Barnaby McKinney* then lived; bounded as followeth: Beginning at the Upper End of the *Cypreſs* Gut, on *Morattock* River, at a Place called the old *Mill-dam*; thence by the Windings of the ſaid Gut to the Great Ditch; thence along the ſaid Ditch to the Corner thereof at the Road; and thence by the Courſes of the *Cypreſs* Gut to where *William Brown*'s head Line croſſes the ſame; then by *Brown*'s head Line to his Corner near the head of the *Merry* Branch; then by *Brown*'s lower Line to a Maple on *Morattock* River: As alſo, Two Hundred Acres of Land, purchaſed of Colonel *William Maule*, adjoining *William Brown*'s lower Line; and all the Remainder of the ſaid *Barnaby McKinney*'s Lands on the *South* Side of *Morattock* River, not before deviſed; and if his ſaid Son *Richard* ſhould die without Heir, or lawful Iſſue, then the Plantation whereon the ſaid *Barnaby McKinney* then lived, with Three Hundred Acres of Land adjoining, ſhould deſcend to his Son *John McKinney*, in Fee-tail; and all other the Lands before deviſed to the ſaid *Richard McKinney*, ſhould go to the Two Daughters of the ſaid *Barnaby McKinney*, *to wit*, *Patience Lane*, and *Mourning Pope*, and the Heirs of their Two Bodies lawfully begotten, and to their Heirs forever, equally to be divided between them, and ſoon after died; and the ſaid *Richard McKinney*, after the Death of the ſaid Teſtator, in Conſequence, of the ſaid Deviſe, became ſeized and poſſeſſed of the Lands aforeſaid, and ſo died ſeized thereof without lawful Iſſue; by Means whereof, *John Lane* and *Henry Pope*, the lawful Heirs of *Patience Lane* and *Mourning Pope*, became ſeized as Heirs at Law to the ſaid *Patience* and *Mourning* of the Lands in the aforeſaid Deviſe mentioned; except the Plantation, and Three Hundred Acres of Land limited as aforeſaid to the ſaid *John McKinney*. And the ſaid *John Lane*,

Heir

Heir at Law to the ſaid *Patience Lane*, who, by the Will of the ſaid Teſtator, in Default of lawful Iſſue of the ſaid *Richard McKinney*, was intitled to one Half of the ſaid Lands ſo limited to the ſaid *Patience* and *Mourning*, entered, and was ſeized, and poſſeſſed thereof; and apprehending he had a Fee-ſimple Eſtate therein, agreed to ſell the ſame to Col. *Joſeph Lane*, for the Conſideration of Four Hundred Pounds, and executed a Leaſe and Releaſe to the ſaid Col. *Joſeph Lane* for his Part or Share of the Lands ſo limited to the ſaid *Patience* and *Mourning*; and the ſaid *Joſeph Lane* apprehending that he had (after the Conveyance by the ſaid *John Lane* executed) an abſolute Eſtate, in Fee-ſimple, to the ſaid Lands ſo conveyed by the ſaid *John Lane*, agreed to ſell the ſame to *Blake Baker*, for the Conſideration of Five Hundred Pounds, and executed Deeds of Conveyance for the ſame to the ſaid *Blake Baker*. And alſo whereas the ſaid *John Lane* is ſeized, in Fee-ſimple, of, and into, one certain Tract or Parcel of Land, containing, by Eſtimation, Six Hundred and Eighty-three Acres, lying and being in the Pariſh of *Edgcomb*, in the County of *Halifax*, lately purchaſed by him of *Joſeph Lane* by Deed of Feoffment: And alſo whereas, it will be greatly to the Advantage of the eldeſt Son of the ſaid *John Lane*, to dock the Entail of the ſaid Lands ſo limited to the ſaid *Patience* his Mother, whereby the ſaid *John* may be enabled to provide for his younger Children, and to ſettle the other Parcel of Land purchaſed of *Joſeph Lane* as aforeſaid, whereof he is ſeized in Fee-ſimple, to the ſame Uſes: And forasmuch as Notice has been publiſhed Three *Sundays* ſucceſſively in the ſeveral Churches and Chapels in the ſaid Pariſh of *Edgcomb*, in the County of *Halifax*, that Application would be made to this preſent General Aſſembly, to dock the Entail of the ſaid Dividend of Land ſo limited to the ſaid *Patience*, upon ſettling the other Lands to the ſame Uſes, purſuant to your Majeſty's Inſtructions: A. D. 1761.

II. MAY it therefore pleaſe your moſt Excellent Majeſty, at the humble Suit of the ſaid *John Lane*, and the ſaid *Blake Baker*, that it may be Enacted, *And be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid Lands ſo limited as aforeſaid to the ſaid *Patience Lane*, ſo as aforeſaid agreed to be ſold to the ſaid *Joſeph Lane*, and by him to the ſaid *Blake Baker*, be, and are hereby veſted in the ſaid *Blake Baker*, his Heirs and Aſſigns, in Fee-ſimple, to the only proper Uſe and Behoof of the ſaid *Blake Baker*, his Heirs and Aſſigns, for ever. And that the other Parcel of Land herein before mentioned to be purchaſed by the ſaid *John Lane*, lying and being in the County of *Halifax*, be, and is hereby veſted in the ſaid *John Lane*, in the ſame Manner as is by the ſaid Will directed for the other Lands ſo limited to the ſaid *Patience*; and the ſame ſhall remain, go, and deſcend, to all and every ſuch Perſon and Perſons, and for ſuch Eſtate or Eſtates, and in ſuch Manner and Form, as the ſaid Land ſo limited to the ſaid *Patience* would have remained, gone, and deſcended, by Virtue of any Limitations in the Will of the ſaid *Barnaby McKinney* before mentioned, as if this Act had never been made: Saving to the King's moſt excellent Majeſty, his Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies, Politick and Corporate, their reſpective Heirs and Succeſſors, other than the Perſons claiming under the Will aforeſaid, of the ſaid *Barnaby McKinney*, all ſuch Right, Title, Intereſt, Claim, and Demand, as they, every, or any of them, ſhould or might claim, if this Act had never been made.

III. AND

A. D. 1761.

III. AND alſo, whereas the ſaid *Barnaby* M*cKinney*, by his laſt Will and Teſtament as aforeſaid, deviſed to his Daughter *Chriſtian* M*cKinney*, and the Heirs of her Body lawfully begotten, and to their Heirs for ever, Three Hundred and Twenty Acres of Land, more or leſs, being the Plantation leaſed to Doctor *James Thompſon*, known by the Name of the *Walnut* Fort; and Two Hundred and Fifty Acres, more or leſs, including the Plantation where *James Denſon* lived; and all the Lands between the Cypreſs Gut and *Iſaac Reck*'s Line, and the Black Pond; and the ſaid *Chriſtian* intermarried with *William Hurſt*, late of *Halifax* County, by whom ſhe had Iſſue *Mary*, her only Child and Heir; and ſome Time after the Death of the ſaid *Barnaby* M*cKinney*, the ſaid *Chriſtian* departed this Life, leaving Iſſue the ſaid *Mary*, who is intitled to the aforeſaid Two Tracts or Parcels of Land ſo deviſed to the ſaid *Chriſtian* her Mother; and apprehending that ſhe the ſaid *Mary* had a Fee-ſimple Eſtate therein, and in order to purchaſe other Lands and Slaves of greater Value than the aforeſaid Two Tracts of Lands, to advance her Fortune and Intereſt, agreed to ſell the ſame to *Blake Baker*, for the Conſideration of Five Hundred Pounds: And whereas the ſaid *Mary* is ſeized, in Fee-ſimple, of, and into, one Tract of Land, containing by Eſtimation, Two Hundred and Seventy Five Acres, lying and being in the County of *Halifax*, conveyed to *William Hurſt*, Father of the ſaid *Mary*, by *Benjamin Sherrod*, and *Patience* his Wife, and by Deed of Gift, conveyed to the ſaid *Mary* by the ſaid *William Hurſt*, her Father; and alſo, Two Hundred Acres, lying and being in *Northampton* County, purchaſed of *Paul Patrick*, and *Agnis* his Wife, by the aforeſaid *William Hurſt*, and by him conveyed to the ſaid *Mary* by Deed of Gift: And whereas it will be greatly to the Advantage of the ſaid *Mary*, to dock the Entail of the ſaid Two Tracts of Land ſo deviſed to the ſaid *Chriſtian* her Mother, and to ſettle the other Parcels of Land whereof the ſaid *Mary* is ſeized, in Fee-ſimple, being of greater Value, to the ſame Uſes: And forasmuch as Notice has been publiſhed Three *Sundays* ſucceſſively, at the Churches and Chapels in the Pariſh of *Edgcomb*, in the County of *Halifax*, that Application would be made to this preſent General Aſſembly to dock the Entail of the aforeſaid Two Tracts or Parcels of Land ſo deviſed to the ſaid *Chriſtian*, upon ſettling the other Lands of greater Value to the ſame Uſes, purſuant to your Majeſty's Inſtructions:

IV. MAY it therefore pleaſe your moſt Excellent Majeſty, at the humble Suit of the aforeſaid *Mary Hurſt* and the ſaid *Blake Baker*, that it may be Enacted, *And be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Two Tracts or Parcels of Land ſo deviſed as aforeſaid to the ſaid *Chriſtian*, ſo as aforeſaid agreed to be ſold to the ſaid *Blake Baker*, be, and are hereby veſted in the ſaid *Blake Baker*, his Heirs and Aſſigns, in Fee-ſimple, to the only proper Uſe and Behoof of the ſaid *Blake Baker*, his Heirs and Aſſigns, for ever; and that the aforeſaid Two Hundred Acres of Land herein before mentioned, lying and being in *Northampton* County, conveyed to the ſaid *Mary* by Deed of Gift as aforeſaid, be, and is hereby inveſted in the ſaid *Mary Hurſt*, in the ſame Manner as is by the ſaid Will directed for the other Lands ſo deviſed to the ſaid *Chriſtian*, in Lieu and Stead of the aforeſaid Three Hundred and Twenty Acres of Land ſo deviſed as aforeſaid; and that the aforeſaid Two Hundred and Seventy-five Acres before mentioned, lying and being in the County of *Halifax*, conveyed to the aforeſaid *Mary* by

by *William Hurſt*, her Father, as aforeſaid, be, and is hereby veſted in the ſaid *Mary Hurſt*, in the ſame Manner as is by the ſaid Will directed for the other Lands ſo deviſed to the ſaid *Chriſtian*, in Lieu and Stead of the aforeſaid Two Hundred and Fifty Acres of Land ſo deviſed as aforeſaid, commonly called the *Callidonia* Plantation: And the aforeſaid Two Tracts or Parcels of Land, ſo conveyed as aforeſaid to the ſaid *Mary*, ſhall remain, go, and deſcend, to all and every ſuch Perſon and Perſons, and for ſuch Eſtate or Eſtates, and in ſuch Manner and Form, as the aforeſaid Two Tracts or Parcels of Land ſo deviſed to the ſaid *Chriſtian* ſeverally would have remained, gone, and deſcended, by Virtue of any Deviſe or Limitation in the Will of the ſaid *Barnaby McKinney* before mentioned, as if this Act had never been made: Saving to the King's moſt excellent Majeſty, his Heirs and Succeſſors, and to all and every other Perſon or Perſons, Bodies, Politick and Corporate, their reſpective Heirs and Succeſſors, other than the Perſons claiming under the Will of the ſaid *Barnaby McKinney* as aforeſaid; or otherwiſe, all ſuch Right, Title, Intereſt, Claim, and Demand, as they, every, or any of them, ſhould or might claim if this Act had never been made. *Provided always*, That this Act, or any Thing herein contained, ſhall not take Effect, or be in Force, until his Majeſty's Approbation be had to the ſame. *A. D.* 1761.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.

JAMES HASELL, Preſident.

SAMUEL SWANN, Speaker.

Read Three Times, and ratified in open Aſſembly, the 23d Day of *April*, 1761.

A. D. 1762.

ANNO REGNI GEORGII III, Regis, *Magnæ Britanniæ, Franciæ, & Hiberniæ*, Tertio.

ARTH. DOBBS. Esq; Governor,

At an ASSEMBLY, begun and held at *Newbern*, the Third Day of *November*, in the Third Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and in the Year of our Lord One Thouſand Seven Hundred and Sixty-two; being the Firſt Seſſion of this preſent Aſſembly.

CHAP. I.

An Act, for dividing this Province into Five ſeveral Diſtricts, and for eſtabliſhing a Superior Court of Juſtice in each of the ſaid Diſtricts, and regulating the Proceedings therein.

Preamble.

WHEREAS the eſtabliſhing Superior Courts of Juſtice within this Province, will be productive of much Eaſe to the Inhabitants thereof, and greatly tend to the due and regular Adminiſtration of Juſtice, and the Puniſhment of Offenders againſt his Majeſty's Peace and Government.

Superior Courts Eſtabliſhed.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from henceforth, this Province ſhall be divided into Five Diſtricts; that is to ſay, The *Wilmington*, *Newbern*, *Edenton*, *Halifax*, and *Saliſbury* Diſtricts; in each of which ſhall be a Court for the Tryal of Cauſes, Civil and Criminal, eſtabliſhed, by the Name of the Superior Court of Juſtice for that Diſtrict

District in which the ſame ſhall be held; which Court ſhall conſiſt of the Chief Juſtice for the Time being, and one Aſſociate Juſtice in each Diſtrict, (the Diſtrict of *Saliſbury* excepted) whom the Governor or Commander in Chief for the Time being ſhall conſtitute and appoint; who ſhall have Cognizance and legal Juriſdiction of all Suits and Pleas, real, perſonal, and mixt; and alſo, of all Suits and Matters relative to Legacies, filial Portions, Eſtates of Inteſtates, all Pleas of the Crown, whether for Treaſons, Felonies, Breach of the Peace, or other Crimes or Tranſgreſſions of what Nature or Degree ſoever, whether brought before them by Original or Meſne Proceſs, or by Writ of Error, or Appeal from any Inferior Court, or by any other Means or Proceſs whatſoever; and they are hereby declared to have full Power and Authority to give Judgment therein, and to award Execution, and all neceſſary Proceſs thereupon; and to make Orders for iſſuing Letters Teſtamentary, and Letters of Adminiſtration, and ſhall have, uſe, exerciſe, and enjoy the ſame Powers and Authorities, Rights, Privileges, and Pre-eminences, as are had, uſed, exerciſed, and enjoyed by the Chief Juſtice, or any of his Majeſty's Juſtices at *Weſtminſter*. *A. D.* 1762.

III. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe of the Death or Abſence of the Chief Juſtice, it ſhall and may be lawful for the ſaid Aſſociate Juſtice ſo to be appointed as aforeſaid, within each Diſtrict reſpectively, to hold any of the ſaid Courts, and to take Cognizance of all Matters in the ſame depending, and give Judgment, and award Execution thereon, in the ſame Manner as might have been done in Caſe the Chief Juſtice had been preſent in Court. In the Abſence of C. Juſtice, Aſſociate to hold Court.

IV. *PROVIDED neverthelefs*, That the Aſſociate Juſtices ſo to be appointed for the Diſtricts of *Wilmington*, *Newbern*, *Edenton*, and *Halifax*, ſhall not proceed to hear and determine any Matter of Law, in any of the ſaid Courts, upon any Demurrer, Caſe agreed, ſpecial Verdict, Bill of Exception on Motion in Arreſt of Judgment, in the Abſence of the Chief Juſtice. Their Power.

V. *AND be it further Enacted*, That no Suits ſhall be Originally commenced or proſecuted in any of the ſaid Courts, for any Debt or Demand of leſs Value than Twenty Pounds Proclamation Money, where the Plaintiff and Defendant ſhall live in the ſame County; or leſs than Ten Pounds where the Plaintiff and Defendant ſhall live in the ſame Diſtrict; and if any Suit ſhall be commenced in any of the ſaid Courts contrary to this Act, the ſame may be abated, on the Plea of the Defendant. What Suits may be brought.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Chief Juſtice, or either of the Aſſociate Juſtices, may, as well within Court as without, in their ſeveral Diſtricts, take the Probate or Acknowledgement of Deeds, or Letters of Attorney, and the private Examination of Feme-Coverts, as hath heretofore been done by the Chief Juſtice in like Caſes; and ſuch Aſſociate Juſtice is hereby authorized to take and receive the ſame Fees and Perquiſites, as the Chief Juſtice is intitled to for the like Services; which Proofs ſhall be deemed equally good and valid in Law, as if taken in any Court of Record; any Law or Uſage to the contrary notwithſtanding. Judges Power to take Probate of Wills, &c.

VII. *AND*

A. D. 1762.

Their Power to compel Perſons having Wills in their Cuſtody to prove the ſame.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid Superior Courts ſhall and may, each of them reſpectively, by Summons, or other legal Proceſs, upon Application made, compel any Perſon or Perſons whatſoever having in their Poſſeſſion or Cuſtody, any Will or Teſtament of any deceaſed Perſon, to exhibit the ſame to the Court, in Order to a legal Probation thereof; and alſo to receive the Probate of Wills, and order the ſame to be recorded; and the Clerk ſhall and may take Two Shillings and Eight Pence, Proclamation Money, for recording each each Will.

Perſons injured, may enter a Caveat.

VIII. *PROVIDED always,* That any Perſon who hath a Right to execute any Will, or to adminiſter the Eſtate of an Inteſtate, who ſhall think himſelf injured by ſuch Order, may enter a Caveat in the Court wherein ſuch Order ſhall be made, againſt the Perſon obtaining the ſame; in which Caſe, the Clerk of ſuch Court ſhall not grant any Certificate of ſuch Order till Twenty Days after paſſing the ſame; and the Secretary, and his Deputy, ſhall forbear to ſeal and counterſign Letters Teſtamentary, or of Adminiſtration, till the Matter in Controverſy ſhall be reheard and determined before the Governor or Commander in Chief for the Time being, and Council.

Wills to remain in the Clerk's Office.

IX. AND for the better preſerving of Wills proved before the ſaid Courts, *Be it Enacted, by the Authority aforeſaid,* That all Original Wills ſhall remain in the Clerk's Office among the Records of the reſpective Superior Courts where they ſhall be proved, and be recorded by the Clerk of ſuch Court in Books to be kept for that Purpoſe; for which Service he ſhall receive the ſame Fees as by Law the Secretary was intitled to; whereunto any Perſon may have Recourſe as to other Records, except for the Time the ſame ſhall, or may be removed before any other Court, upon the Determination of any Controverſy.

Clerk to return Liſts of Wills to the Secretary's Office.

X. *AND be it further Enacted, by the Authority aforeſaid,* That the Clerk of every Superior Court aforeſaid, in the Month of *October,* Annually, ſhall return to the Secretary's Office, a Liſt of all Certificates for obtaining Probates or Adminiſtrations granted by their reſpective Courts, from Time to Time, containing the Names of the Teſtators or Inteſtates, their Executors or Adminiſtrators, and the Names of the Securities; which Liſts the Secretary is hereby required to cauſe to be recorded in his Office, alphabetically, in the Books for that Purpoſe; and ſhall and may take and receive Two Shillings and Eight Pence, Proclamation Money, for every ſuch Order therein mentioned.

Chief Juſtice to appoint Clerks.

XI. AND for the Safety of Suitors, and to prevent Irregularities in making up the Records of the Courts; *Be it Enacted, by the Authority aforeſaid,* That the Chief Juſtice be, and is hereby impowered, to appoint experienced and diſcreet Clerks of the Superior Courts; who ſhall, each of them, give Bond, with good and ſufficient Security, to our Sovereign Lord the King, his Heirs and Succeſſors, in the Penalty of Two Thouſand Pounds *Sterl.* for the Safe-keeping the Records, and faithful Diſcharge of his Duty in his Office; and alſo, ſhall take the Oaths by Law appointed for the Qualification of Public Officers, repeat and ſubſcribe the Teſt, and alſo take an Oath honeſtly and truly to demean himſelf in Office during his Continuance therein; and likewiſe the following Oath, *to wit,*

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I A. B. *do ſwear, that by myſelf, or any other Perſon, I neither have, nor will give, to any Perſon whatſoever, any Gratuity, Gift, Fee or Reward, in Conſideration of my Appointment to the Office of the Clerk of the Superior Court for the Diſtrict of*

Who are to take this Oath.

Which ſaid Bond ſhall be lodged in the Secretary's Office, and in Caſe of a Breach of the Condition thereof, may be put in Suit for the Benefit of, and at the proper Coſt and Charges of the Party or Parties injured, and ſhall not become void upon the firſt Recovery, or if Judgment ſhall be given againſt the King, but may, from Time to Time, be put in Suit by Action of Debt, or *Scire Facias*, until the whole Penalty ſhall be recovered; and when any Judgment ſhall be obtained upon ſuch Bond, the Damages aſſeſſed, ſhall, by Order of the Court, be paid to the Perſon or Perſons injured.

Their Bond may be ſued.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the Chief Juſtice, for his Trouble and Expence in attending the ſaid Courts, ſhall have and receive the Sum of Twenty Six Pounds for each of the ſaid Courts he ſhall hold, according to the Directions of this Act; and in Caſe of the Abſence of the Chief Juſtice, and not otherwiſe, the ſaid Twenty Six Pounds ſhall be paid to the Aſſociate Juſtice who ſhall hold ſuch Court; and the Attorney General ſhall likewiſe be allowed and receive the Sum of Twelve Pounds for each of the ſaid Courts he ſhall give his Attendance at, by himſelf or Deputy, to be paid out of the Public Treaſury by half Yearly Payments.

Chief Juſtice and Attorney General's Salaries.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Chief Juſtice, and the other Aſſociate Juſtices of the Superior Courts, ſhall, before they act in either of the ſaid Courts, take the Oaths by Law appointed for the Qualification of Public Officers, and repeat and ſubſcribe the Teſt, and alſo take the following Oath of Office, *to wit*,

Judges to take the Oaths of Government.

I A. B. *do ſwear, that I will well and truly ſerve our Sovereign Lord the King, and his People, in the Office of Chief Juſtice, (or Aſſociate Juſtice as the Caſe may be) of the Superior Courts of Juſtice of the Province of* North-Carolina; *and I will not council nor aſſent to any Thing that may tend to the Hurt or diſinheriting the King; I will do equal Law and Right to all the King's Subjects, Rich, and Poor, without having Regard to any Perſon; I will not wittingly or willingly, take, by myſelf, or any other Perſon, any Gift or Reward whatſoever, for any Matter or Thing by me to be done by Virtue of my Office, except the Fees and Salary by Law appointed; I will not maintain, by myſelf, or any other, privately or openly, any Plea or Quarrel hanging in any of the King's Courts: I will not delay any Perſon of Common Right for the Letter of the King, or any other Perſon to me for any Cauſe; and in Caſe any Letters comes to me contrary to Law, I will do nothing for ſuch Letters, but will proceed to do the Law the ſaid Letters notwithſtanding; and finally in all Things belonging to my ſaid Office, during my Continuance therein, I will faithfully, truly, and juſtly, according to the beſt of my Skill and Judgment, do equal and impartial Juſtice.*

And alſo this Oath.

So help me God.

A. D. 1762. On Pen. of 500 l.

And if the Chief Juſtice, or either of the Aſſociate Juſtices ſhall preſume to act in his Office in either of the Superior Courts, without taking the Oaths, and ſubſcribing the Teſt, by this Act directed to be by him taken and ſubſcribed, he ſhall forfeit Five Hundred Pounds; to be recovered by Action of Debt, Bill, Plaint, or Information, in either of the Superior Courts of Juſtice; one Half to the Uſe of his Majeſty, his Heirs and Succeſſors, towards defraying the Charges of Government, and the other Half to the Informer.

Superior Courts when and where held.

XIV. *AND be it Enacted, by the Authority aforeſaid*, That the Superior Courts of Juſtice, ſhall, annually, be held for the ſeveral Diſtricts in this Province, at the following Times and Places; that is to ſay, For the Diſtrict of *Edenton*, at the Town of *Edenton*, for the Counties of *Chowan*, *Perquimans*, *Paſquotank*, *Currituck*, *Bertie*, *Tyrrel*, and *Hertford*, on the Twentieth Day of *May* and *November*.

IN the Diſtrict of *Halifax*, at the Town of *Halifax*, for the Counties of *Northampton*, *Halifax*, *Edgcomb*, *Granville*, *Johnſton* and *Orange*, on the Firſt Day of *March* and *September*.

IN the Diſtrict of *Saliſbury*, in the Town of *Saliſbury*, for the Counties of *Rowan* and *Anſon*, on the Twenty Second Day of *March* and *September*.

IN the Diſtrict of *Wilmington*, at the Town of *Wilmington*, for the Counties of *New Hanover*, *Bladen*, *Onſlow*, *Duplin* and *Cumberland*, on the Fifteenth Day of *April* and *October*.

IN the Diſtrict of *Newbern*, at the Town of *Newbern*, for the Counties of *Craven*, *Carteret*, *Beaufort*, *Hyde*, *Dobbs*, and *Pitt*, on the Second Day of *May* and *November*.

And each Term ſhall continue Ten natural Days, excluſive of *Sundays*, by Adjournment, *de die in Diem*, if the Buſineſs ſhall require ſo long Time, otherwiſe may be ſooner determined.

Proviſo, where the Day falls on a *Sunday*.

XV. *PROVIDED always*, That if the Day by this Act appointed for holding any of the ſaid Courts, ſhall fall on a *Sunday*, then ſuch Court ſhall be held the next ſucceeding Day; any Thing herein contained to the contrary notwithſtanding.

What Actions may be brought to the Superior Court.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That all real Actions, Ejectments, and Actions of Treſpaſs, *Quare Clauſum Frigit*, Suits on Penal Statutes, and Pleas of the Crown, ſhall be commenced and proſecuted in the Superior Court of the Diſtrict wherein the Cauſe of Action ſhall have ariſen, or the Offence ſhall have been committed, and not in any other Diſtrict; unleſs for Riots, Inſurrections, or Tranſgreſſions, wherein Two or more Perſons ſhall have been jointly concerned; in either of which Caſes, it ſhall and may be lawful for the Party aggrieved, or the King's Attorney General, to proſecute ſuch Malefactors in the Superior Court in any other Diſtrict than that in which the Offence ſhall have been committed; any Thing herein contained to the contrary notwithſtanding. And all Actions of Debt, other than on Penal Statutes, all Actions of Detinue, Replevin, Actions of Account Render, Actions of Treſpaſs for Aſſault and Battery, and for the unlawful taking of Goods, all Actions upon the Caſe, and Suits for Legacies, or for the diſtributive Shares of Inteſtates Eſtates, where the Plaintiff and Defendant

Defendant live in the ſame Diſtrict, ſhall be brought to the Superior Court of ſuch Diſtrict, and not to any other, except in the Caſes aforementioned: And where any ſuch Action or Suit ſhall be brought to the Court of any other Diſtrict than that in which both Parties live, ſuch Action or Suit may be abated by the Plea of the Defendant, unleſs on ſufficient Reaſons ſhewn, on Oath, and approved, for bringing ſuch Suit in ſome other Diſtrict, Leave be granted to the Plaintiff by the Chief Juſtice, or ſome one of the Aſſociate Juſtices of the Courts, and by him certified previous to the Commencement of ſuch Suit; in which Caſe it may be lawful to proſecute any of the ſaid Actions or Suits in the Court of any Diſtrict adjacent to that in which the Parties reſide; any Thing herein contained to the contrary notwithſtanding. *A. D.* 1762.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Courts ſhall not be diſcontinued, nor any of the Proceedings in them depending, by Reaſon of the Death of the Chief Juſtice, or any of the Aſſociate Juſtices, or any other Let or Hinderance their not attending at any Term; but in ſuch Caſe, all Pleas, Cauſes, Matters and Things, therein depending, ſhall ſtand continued in the ſame Condition in which they then ſhall be, to the next ſucceeding Term. Courts not to be diſcontinued,

XVIII. *AND be it further Enacted, by the Authority aforeſaid*, That every Summons, Writ, and other legal Proceſs, to compel any Perſon to appear in any of the Superior Courts of Juſtice, ſhall bear Teſt of the Chief Juſtice, and be ſigned by the Clerk of the Court from whence ſuch Proceſs ſhall iſſue, and be made returnable to the ſame Court; and the Sheriff ſhall return the ſaid Writ or Proceſs to ſuch Court accordingly. Proceſs what Teſt to bear, and how returned.

XIX. *AND be it further Enacted, by the Authority aforeſaid*, That until the Commencement of the firſt Term of each of the ſaid Superior Courts reſpectively, Writs and other Proceſs may bear Teſt at the Time of iſſuing the ſame, and ſuch Writs and Proceſs ſo teſted before ſuch Term, ſhall be valid in Law; any Uſage or Practice of Court to the contrary notwithſtanding. Proceſs when to bear Teſt.

XX. *AND be it further Enacted, by the Authority aforeſaid*, That all ſuch Writs or Proceſs, except Subpœnas for Witneſſes returnable immediately, ſhall be returnable the firſt Day of the Term to which the ſame is returnable, and ſhall be executed at leaſt Ten Days before the Beginning of ſuch Term: And if any original or meſne Proceſs ſhall be taken out in Term Time, or within Ten Days before the Beginning of any Term, ſuch Proceſs ſhall be made returnable to the Term next ſucceeding, or the Term ſucceeding that which ſhall commence within Ten Days after taking out ſuch Proceſs, and not otherwiſe; and all Proceſs made returnable or executed at any other Time, or in any other Manner than by this Act directed, ſhall be void. Proceſs when to be executed, and returnable.

XXI. *PROVIDED always*, That nothing herein contained ſhall be conſtrued to invalidate or vacate any Proceſs, Warrant, or Precept, iſſued by the Chief Juſtice, or either of the Aſſociate Juſtices of the ſaid Courts, or any Juſtice of the Peace, or the Clerk of the Crown, on any Criminal Proſecution, or in his Majeſty's Behalf, Proviſo, for Criminal Cauſes.

A. D. 1762. Behalf, but that the ſame may be returnable at any Day in the Term, to which the ſame is returnable; and the Proceedings in Criminal Suits and Proſecutions ſhall be had according to the Laws and Statutes of *Great-Britain*, and of this Province; any Thing herein contained to the contrary notwithſtanding.

Proceed. where a Writ iſſues to the Sheriff.

XXII. *AND be it further Enacted, by the Authority aforeſaid*, That when any Writ ſhall iſſue from any of the ſaid Courts, whereby the Sheriff ſhall be commanded to take the Body of any Perſon or Perſons to anſwer in any Action in either of the ſaid Courts, ſuch Sheriff ſhall take Bond, with Two ſufficient Securities, for double the Sum for which ſuch Perſon or Perſons ſhall be held in Arreſt; except where the Defendants are Executors or Adminiſtrators, or ſued on penal Statutes, and ſhall return ſuch Bond with the Writ: And in Caſe the Sheriff ſhall fail or neglect to take ſuch Bail, or the Bail returned be held inſufficient, on Exception taken, the Sheriff, in either of the ſaid Caſes, ſhall be deemed and ſtand as ſpecial Bail, and the Plaintiff may proceed to Judgment according to the Rules herein after mentioned; and ſhall and may take out Execution againſt the Defendant or Sheriff, or both; any Uſage or Cuſtom to the contrary notwithſtanding.

Proviſo, for the Sheriff to diſcharge himſelf.

XXIII. *PROVIDED always*, That if the Defendant ſhall be admitted to enter his Appearance without Bail, and ſhall put in Bail before the Rules to plead ſhall expire, then the ſaid Sheriff ſhall be diſcharged. *Provided alſo*, That the Defendant may be ſurrendered at any Time before final Judgment be entered againſt him.

Proceedings, where the Sheriff returns the Body in Cuſtody.

XXIV. *AND be it further Enacted*, That when any Sheriff ſhall return, that he hath taken the Body of any Defendant, and committed him to the Priſon of his County, (which is hereby declared to be the proper Priſon for ſuch Commitment,) for Want of Bail, the Plaintiff may enter the Defendant's Appearance, and he ſhall be at Liberty to plead as if ſuch Appearance had been entered by himſelf, and the Plaintiff may proceed to Judgment as in other Caſes in this Act directed; nevertheleſs, the Defendant ſhall not be diſcharged out of Cuſtody but by putting in Bail, or Rule of Court.

Pen. on the Sheriff for Neglect of Duty.

XXV. *AND be it further Enacted, by the Authority aforeſaid*, That if the Sheriff ſhall neglect to return any Writ or Writs iſſuing out of any of the ſaid Courts, which ſhall be delivered to him Twenty Days before the ſitting of the Court to which ſuch Writ or Writs ſhall be returnable; the Sheriff, for every ſuch Neglect, on Motion of the Plaintiff, and Proof of ſuch Delivery, ſhall be ordered and obliged to pay the Party aggrieved, the Sum of Five Pounds, Proclamation Money, and be further liable to the Action of the Party injured; unleſs the Sheriff can ſhew ſufficient Cauſe to the Court from whence ſuch Proceſs iſſued, at the next ſucceeding Court after ſuch Order.

All Bail taken, Special; and Proceedings after Judgment,

XXVI. *AND be it further Enacted*, That all Bail taken according to the Directions of this Act, ſhall be deemed, held, and taken to be ſpecial Bail, and as ſuch, liable to the Recovery of the Plaintiff; but the Plaintiff, after final Judgment, ſhall not take out Execution againſt ſuch Bail, until an Execution be firſt returned, that

that the Defendant is not to be found; and alſo, ſhall take out a *Scire Facias*, returnable to the ſaid Court, which ſhall be made known to the Bail; and that after the Return of ſuch Execution againſt the Principal, and *Scire Facias* aforeſaid againſt the Bail, Execution may iſſue againſt the Principal, and Securities, or either of them, or either of their Eſtates; unleſs the Bail ſhall ſurrender the Principal at or before the Return of the firſt *Scire Facias*; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Proviſo, where the Principal is in Goal.

XXVII. *PROVIDED neverthelefs*, If any Sheriff ſhall return on a *Scire Facias* to him directed, that the Principal is impriſoned in the Priſon of his County, or any other, by Virtue of any Proceſs, in any Civil Action, the Court to which ſuch *Scire Facias* is returnable, ſhall, on Motion of the Plaintiff or Bail, order and direct that ſuch Principal be retained in the Goal where he or ſhe ſhall be a Priſoner, until he or ſhe ſhall have paid the Plaintif's Judgment, and Coſts, or be otherwiſe diſcharged by due Courſe of Law; a Copy of which Order being ſerved on the Goaler of ſuch Priſon, before ſuch Priſoner's Releaſment, ſhall be a ſufficient Authority for him to retain ſuch Priſoner until ſuch Order ſhall be complied with; and alſo ſhall be deemed a Surrender of ſuch Principal, and as ſuch Diſcharge the Bail.

Proceed. where Sheriff returns the Defendant not to be found.

XXVIII. AND for the better aſcertaining what Proceſs ſhall iſſue when the Sheriff ſhall return, that the Defendant is not to be found in his Bailiwick; *Be it Enacted*, That when the Sheriff ſhall make return as aforeſaid, in any Civil Action, the Plaintiff or Plaintifs, at his or their Election, may ſue out an Attachment againſt the Eſtate of ſuch Defendant, or an *Alias*, or *Pluries Capias*, until he be arreſted, returnable as is herein before directed for the Return of original Proceſs: And if the Sheriff ſhall return any Goods by him attached, and the Defendant ſhall fail to plead within the Time herein after directed, the Plaintiff ſhall be intitled, if in an Action of Debt, to final Judgment, and if in an Action on the Caſe, a Judgment by Default, and a Writ of Enquiry of Damages to be executed at the next Court; and the Goods ſo attached, if not replevied or ſold according to the Directions herein after mentioned for Goods attached on original Attachments, ſhall remain in the Cuſtody of the Sheriff till ſuch Judgment obtained, and then to be diſpoſed of in the ſame Manner as Goods taken in Execution on a Writ of *Fieri Facias*, and if the Judgment ſhall not be ſatisfied by the Goods attached, the Plaintiff may have Execution for the Reſidue.

Attachmt. granted, and Proceedings thereon.

XXIX. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall be lawful for the Chief Juſtice, or the Juſtices of the ſaid Superior Courts, or any Juſtice of an Inferior Court, upon Complaint made by any Perſon, his Attorney or Agent, on Oath, that his Debtor has removed, or is removing himſelf out of the County privately, or abſconds or conceals himſelf, ſo that the Ordinary Proceſs of Law cannot be ſerved upon him; and alſo further ſwear to the Amount of his or her Debt to the beſt of his or her Knowledge, ſhall thereupon grant an Attachment againſt the Eſtate of ſuch Debtor, wherever the ſame ſhall be found, or in the Hands of any Perſon or Perſons indebted to, or having the Effects of the Party abſconding, or ſo much thereof as ſhall be of Value ſufficient to ſatisfy the Debt and Coſts of ſuch Complaint, which Attachment ſhall be returned to the Court where the Debt

A. D. 1762. or Matter is cognizable; and ſuch Attachment ſhall be deemed the leading Proceſs in ſuch Action, and the ſame Proceedings ſhall be had thereon, as on an Attachment on a Return of a *Non eſt Inventus* by the Sheriff.

Proviſo, for Bond to be taken.

XXX. *PROVIDED always*, That every ſuch Juſtice before the granting ſuch Attachment, ſhall take Bond and Security of the Party for whom the ſame ſhall be iſſued, in double the Sum to be attached for, payable to the Defendant, for ſatisfying and paying all Coſts which ſhall be awarded to the ſaid Defendant in Caſe the Plantiff ſuing out the Attachment ſhould be caſt in his Suit, and alſo all Damages which ſhall be recovered againſt the ſaid Plaintiff for ſuing out ſuch Attachment; which Bond ſhall be returned to the Court to which the Attachment is returnable, by the Juſtice who ſhall grant the ſame: And every Attachment iſſuing without ſuch Bond taken and returned as aforeſaid, and Oath made as aforementioned, is hereby declared void, and ſhall be abated on the Plea of the Defendant.

Attachment may be granted againſt the Eſtates of Perſons out of the Country.

XXXI. *AND be it further Enacted*, That when any Perſon, Inhabitant of any other Government, ſhall be indebted to, or hath done any Tort or Injury to any Perſon a Reſident of this Province, and cannot perſonally be ſerved with Proceſs, and hath Effects in this Government, any of the ſaid Juſtices may grant an Attachment againſt the Eſtate of ſuch Perſon indebted, or who hath done any Tort or Injury as aforeſaid, under the Rules, Reſtrictions, and Regulations aforementioned; and the ſame Proceedings may be had thereon.

Proceedings on Attachments.

XXXII. *AND be it further Enacted, by the Authority aforeſaid*, That when Goods or other Eſtate ſhall be attached by Virtue of an Attachment, whether judicial or original, it ſhall and may be lawful for ſuch Perſon or Perſons, his, her, or their Attorney, to replevy the ſame, by giving Bond with good Security, to the Sheriff or other Officer ſerving the ſaid Attachment, (which Bond the Sheriff or other Officer is hereby impowered and required to take) to appear to the Court to which the Attachment ſhall be returnable, and to abide by, perform, and ſatisfy the Order and Judgment of ſuch Gourt: And when the Eſtate attached ſhall, by Three Juſtices of the County, to be ſummoned by the Sheriff for that Purpoſe, be certified, on Oath, to be periſhable, if the Perſon or Perſons to whom it belongs ſhall not, within Thirty Days after ſerving ſuch Attachment, replevy the ſame, then ſuch Eſtate ſhall be ſold at Public Vendue by the Sheriff or other Officer ſerving ſuch Attachment, ſuch Sheriff or other Officer having firſt advertiſed ſuch Sale at the Court-houſe and other Public Places in his County, at leaſt Ten Days before the Sale; and the Money ariſing by ſuch Sale ſhall be liable to the Judgment obtained upon ſuch Attachment or other Order of ſuch Court: And where the Sheriff or other Officer ſhall ſerve an Attachment in the Hands of any Perſon or Perſons indebted to, or having any of the Effects of the Party abſconding, he ſhall, at the ſame Time, ſummons ſuch Garniſhee or Garniſhees to appear at the Court to which the Attachment is returnable within the firſt Four Days thereof, there to anſwer, upon Oath, what he or ſhe is indebted to ſuch Party, and what Effects of ſuch Party he or ſhe hath in his or her Hands, and had at the Time of ſerving the Attachment; and where any Attachment ſhall be returned ſerved in the Hands of any Garniſhee in Manner aforeſaid, it ſhall be lawful, upon his or her Appearance, and Examination in Manner aforementioned, to enter upon Judg-

ment,

ment, and award Execution againſt every ſuch Garniſhee or Garniſhees, for all Sums of Money due from him, her, or them, to the Perſon abſconding, or in his, her, or their Cuſtody or Poſſeſſion, for the Uſe of the Party obtaining ſuch Attachment, or ſo much thereof as ſhall be of Value ſufficient to ſatisfy the Debt and Coſt of Complaint; and all Goods and Effects whatſoever in the Hands of any Garniſhee or Garniſhees belonging to ſuch abſconding Perſons, ſhall be liable to ſatisfy ſuch Judgment: And where any Garniſhee ſhall be returned by the Sheriff or other Officer ſummoned in Manner aforeſaid, and ſhall fail to appear and diſcover, on Oath, in Manner by this Act directed, it ſhall be lawful, and the Court is hereby authoriſed, to enter a conditional Judgment againſt ſuch Garniſhee; and if he ſhall fail to appear at the next Court, and diſcover, on Oath, in Manner aforeſaid, the Court ſhall, and are hereby required, to confirm ſuch Judgment, and award Execution for the Plaintiff's whole Debt or Damages, and Coſts. *A. D.* 1762.

Attachment may be granted againſt the Lands of Perſons out of the Province; and Proceed. thereon.

XXXIII. AND whereas divers Perſons, poſſeſſed of Lands, Tenements, and Hereditaments, within this Province, having contracted, or who may contract Debts with Merchants and others; or have committed, or may commit Torts or Injuries to Perſons therein, and reſide out of the Province, without having perſonal Eſtate within the ſame to ſatisfy ſuch Debts or Damages: For Remedy whereof, *Be it Enacted, by the Authority aforeſaid*, That any Juſtice ſhall and may grant an Attachment, at the Prayer of the Perſon or Perſons, his or their Agent or Factor, to whom ſuch Debtor or Debtors ſhall be indebted, or to whom ſuch Tort or Injury hath or may be done, directed to the Sheriff of the County where the Lands lie, returnable to the Court wherein the ſame is cognizable; and if the Sheriff return, that the Perſon has no perſonal Eſtate within his Bailiwick, the Court ſhall grant Judgment by Default (which Judgment, in Actions of Debt, ſhall be final) at the next Court, and in other Actions, a Writ of Enquiry ſhall be executed, on the Plaintiff's Motion, and a Writ of *Fieri Facias* ſhall be awarded, returnable to the next Court after ſuch final Judgment; by Virtue whereof, the Sheriff, if he cannot find perſonal Eſtate of the Defendant within his Bailiwick ſufficient to ſatisfy ſuch Judgment, and Coſts, ſhall ſell ſuch Lands and Tenements, having given Public Notice of ſuch Sale at the Court-houſe, and every Church and Chappel within his County, for one Month at leaſt before the Day appointed for the ſame, and ſhall give the Purchaſer a Deed of Bargain and Sale; which ſhall, and is hereby declared to be good and effectual in Law, to convey all the Right, Title, Property, and Eſtate of the Defendant or Defendants in ſuch Lands or Tenements; and out of the Money ariſing by ſuch Sale, ſhall ſatisfy and pay the ſaid Judgment, and Coſts, and pay the Overplus (if any) to the Defendant or Defendants.

Eſtate repleviable.

XXXIV. *PROVIDED always*, That it ſhall be lawful for any Perſon againſt whoſe Eſtate any Attachment has iſſued as aforeſaid, at any Time before ſuch final Judgment entered, or Writ of Enquiry executed, upon giving ſpecial Bail, to replevy the Goods attached, and plead to Iſſue, ſo that the Plaintiff is not thereby delayed of his Tryal.

XXXV. AND for Prevention of Error in the iſſuing Attachments, and taking Bonds thereupon; *Be it Enacted, by the Authority aforeſaid*, That the following Form ſhall be obſerved and uſed; that is to ſay, The Attachment as followeth, *to wit*, *North-*

A. D. 1762.

North-Carolina, *County,* ss.

Form of the Attachment.

GEORGE the Third, by the Grace of God, of *Great-Britain, France,* and *Ireland,* King, Defender of the Faith, *&c.* To the Sheriff of County, Greeting. Whereas *A. B.* hath complained, on Oath, to *C. D.* our Chief Juſtice of the Province of *North-Carolina,* (or the Aſſociate of the Superior Court, or one of the Juſtices of the Inferior Courts of the County of as the Caſe may be) That *E. F.* late of your County, Planter, is juſtly indebted to him in the Sum of (or hath endamaged him to the Amount of as the Complaint ſhall be made) and Oath having been alſo made, that the ſaid *E. F.* hath removed himſelf privately out of your ſaid County, or ſo abſconds or conceals himſelf that the ordinary Proceſs of Law cannot be ſerved on him, and hath given Bond and Security according to the Directions of the Act of Aſſembly in ſuch Caſe made and provided; We therefore command you, that you attach the Eſtate of the ſaid *E. F.* (if to be found in your Bailiwick) or ſo much thereof, repleviable on Security, as ſhall be of Value ſufficient to ſatisfy the ſaid Debt or Damages, (according to the Complaint) and Coſts; and ſuch Eſtate ſo attached, in your Hands to ſecure, or ſo to provide, that the ſame may be liable to further Proceedings thereupon to be had at our next Superior Court, to be held for the Diſtrict of at the Town of on the Day of next, ſo as to compell the ſaid *E. F.* to appear and anſwer the above Complaint of the ſaid *A. B.* when and where you ſhall make known to our ſaid Court how you ſhall have executed this Writ. Witneſs our ſaid Chief Juſtice of our ſaid Province, at aforeſaid, the Day of in the Year of our Reign.

Which Attachment ſhall be ſigned by the Chief Juſtice, or other Juſtice, who ſhall grant the ſame; and the Bond to be given on obtaining ſuch Attachment ſhall be in the following Form, *to wit,*

Form of the Bond.

KNOW all Men by theſe Preſents, That we A. B. C. D. and I. K. all of the County of are held and firmly bound unto E. F. in the Sum of (double the Sum in the Attachment) to be paid to the ſaid E. F. his Executors, Adminiſtrators, or Aſſigns: To which Payment well and truly to be made, we bind ourſelves, and each of us, our, and each of our Heirs, Executors, and Adminiſtrators, jointly and ſeverally, firmly by theſe Preſents. Sealed with our Seals, and dated this Day of in the Year of our Lord

The Condition.

THE Condition of the above Obligation, is ſuch, that whereas the above bounden *A. B.* hath, the Day of the Date of theſe Preſents, prayed an Attachment againſt the Eſtate of the above mentioned *E. F.* for the Sum of (the Sum complained for) and hath obtained the ſame, returnable to the next Superior Court to be held for the Diſtrict of on the Day in next: Now if the ſaid *A. B.* ſhall proſecute his ſaid Suit with Effect, or in Caſe he be caſt therein, ſhall well and truly pay and ſatisfy to the ſaid *E. F.* all ſuch Coſts and Damages as ſhall be awarded and recovered againſt the ſaid *A. B.* then the above Obligation to be void; otherwiſe to remain in full Force and Virtue.

XXXVI. *AND be it further Enacted, by the Authority aforeſaid*, That the following Rules and Methods ſhall be obſerved in the Superior Courts, *to wit*, *A. D.* 1762.

Rules of Court.

THE Plaintiff ſhall file his Declaration in the Clerk's Office on or before the Second Day of the Term to which his Suit is brought, and ſerve the Defendant with a Copy at leaſt Five Days before the Commencement of ſuch Term, otherwiſe the Action ſhall be abated, upon the Plea of the Defendandant.

THAT the Defendant ſhall appear and plead, or demur, within the firſt Three Days of the Term to which the Writ is returnable, otherwiſe the Plaintiff may have Judgment by Default; in which Caſe Judgment ſhall be final, unleſs where Damages are to be ſuggeſted on the Roll; and in that Caſe, and in all others where the Recovery ſhall be in Damages, a Writ of Enquiry ſhall be executed at the next Term. *Provided*, That where the Nature of the Action requires Special pleading, the Time for pleading may be enlarged by the Court.

THAT where the Defendant pleads ſpecially, the Plaintiff ſhall reply or demur in Three Days, or a Non-proſs may be entered by the Defendant; and if the Plaintiff replies, and in his Replication tenders an Iſſue, the Defendant ſhall join iſſue, or Demur, in Three Days, or the Plaintiff may have Judgment; and when the Defendant rejoins to the Plaintif's Replication, he ſhall file his Rejoinder in Three Days, or Judgment ſhall go againſt him, unleſs the Time for pleading ſhall be enlarged as aforeſaid; and the ſame Time ſhall be given, and Rules obſerved, through the whole Courſe of the Pleadings.

THAT all Iſſues ſhall be tried at the Term next ſuceeding after Iſſue joined, without Notice of Tryal on either Side; nor ſhall any Cauſe be delayed or continued longer without ſpecial Cauſe ſhewn to, and approved by the Court.

THAT the Clerk of every Court, before the Commencement of the Term, ſhall enter, in a particular Docket to be kept for that Purpoſe, all ſuch Cauſes, and thoſe only, in which any Iſſue is to be tried, or Damages to be enquired, ſpecial Verdict, Caſe agreed, or Demurer to be argued, in the ſame Order as the Suits ſtand in the Courſe of Proceedings.

THAT when a ſpecial Verdict ſhall be found, Caſe agreed, Demurer, or Bill of Exception to Evidence tendered, Time ſhall be allowed, upon Motion of either Party, to the next Term to argue the ſame.

THAT for the more entire and better Preſervation of the Records of the Courts, when any Cauſe is finally determined, the Clerk ſhall enter all the Proceedings therein, and other Matters relating thereto, in a Book well bound, ſo that an entire and perfect Record may be made thereof.

THAT all Jury Cauſes be firſt tried.

THAT all Motions in Arreſt of Judgment, ſhall be argued within the Three laſt Days of the Term the Iſſue is tried, the Defendant's Attorney firſt ſerving the Plaintif's Attorney with a Copy of the Reaſons, in Arreſt of Judgment, the next Day after ſuch Motion.

THAT Arguments on Writs of Error, ſpecial Verdict, Caſes agreed, Demurrers, Petitions for Legacies, and Diſtributions of Inteſtates Eſtates, ſhall be heard within the Four laſt Days of the Term.

A. D. 1762.

THAT when any final Judgment ſhall be obtained, the Clerk ſhall allow a Lawyer's Fee in the Bill of Coſts, if the Party employed one, which is hereby declared to be Thirty Shillings, Proclamation Money.

THAT no Plea of Abatement ſhall be received in any of the ſaid Courts, unleſs the Party offering the ſame ſhall, by Affidavit, or otherwiſe, prove the Truth of ſuch Plea.

THAT where a Plea in Abatement ſhall be pleaded in any Action in either of the ſaid Courts depending, and upon Argument, the ſame ſhall be adjudged inſufficient, the Plaintiff or Plaintifs ſhall recover, againſt the Defendant, full Coſts, to the Time of overruling ſuch Plea, including the Coſts of that Court, a Lawyer's Fee only excepted, and the Plaintiff, in Replevin, or the Defendant, in any other Action, may plead as many ſeveral Matters as may be neceſſary for his Defence, ſo as he be not admitted to plead and demur to the whole.

Statutes of Jeofails inforced,

XXXVII. *AND be it further Enacted*, That all the Statutes of Jeofails, and Amendments which are now in Force in *England*, are hereby declared to extend to, and be in Force in this Province; and ſhall be duly obſerved by all Judges and Juſtices of the ſeveral Courts of Record within the ſame, according to the true Intent and Meaning of the ſaid Statutes.

Rules for Witneſſes.

XXXVIII. *AND be it further Enacted, by the Authority aforeſaid*, That the following Orders, Rules and Methods, for taking the Teſtimony of Witneſſes, in all Cauſes to be depending in the ſaid Courts, be obſerved and put in Practice, *to wit*,

THAT in all Cauſes where Witneſſes are to appear at either of the ſaid Courts, a Subpœna ſhall be iſſued by the Clerk, directed to the Sheriff of the County where the Witneſs or Witneſſes reſide, mentioning the Time and Place for their Appearance, and the Names of the Parties to the Suit wherein they are to give Evidence, and at whoſe Inſtance they are ſummoned.

THAT every Subpœna, returnable immediately, ſhall be perſonaally ſerved on any Perſon who ſhall be thereby ſummoned as a Witneſs to attend any of the ſaid Courts,

THAT a Copy of every Subpœna, iſſued by the Clerk, in the Vacation, and returnable to the firſt, or any other Day of the Term, in Caſe the Witneſs or Witneſſes to be thereby ſummoned are not found at home, may be left at the uſual Place of Reſidence of ſuch Witneſs or Witneſſes; and the leaving ſuch Copy as aforeſaid, ſhall be a good and legal Service; and the Perſon or Perſons thereby ſummoned, are bound to appear, under the like Penalty as if Perſonally ſummoned.

Pen. for Non-attendance.

XXXIX. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon be ſummoned to attend as aforeſaid, or for whom ſuch Copy of a Summons ſhall be left, ſhall fail to appear accordingly, every ſuch Perſon ſo failing, ſhall forfeit, to the Perſon or Perſons at whoſe Inſtance the Subpœna iſſued, Twenty Pounds Proclamation Money; and ſhall be further liable to an Action on the Caſe for whatever Damages ſhall be ſuſtained for Want of ſuch Witneſs's Teſtimony.

Proviſo, for Incapacity to attend.

XL. *PROVIDED always*, That if ſufficient Cauſe be ſhewn by the Perſon ſo ſummoned, or for whom Copies ſhall be ſo left and failing to appear, of his or her Incapacity to attend at the Time he or ſhe ought to have appeared, then no Forfeiture

or

or Penalty ſhall be incurred by ſuch Failure; but if ſufficient Cauſe be not ſhewn at the next ſucceding Term after ſuch Failure or Notice given, it ſhall and may be lawful for the Court, on Motion, to grant Judgment for the Forfeiture before mentioned, againſt the Perſon or Perſons ſo ſummoned and failing to appear as aforeſaid: And when any Perſon ſummoned as a Witneſs in any Cauſe as aforeſaid, ſhall be confined in any Priſon or Goal in this Province, the Superior Court, for the better Manifeſtation of the Truth and Advancement of Juſtice, ſhall and may grant a *Habeas Corpus ad Teſtificandum*, to remove ſuch Perſon into ſuch Court; the Party praying ſuch Writ, having firſt entered into Bond, with ſufficient Security, to defray the Expence of ſuch Removal; and to anſwer, in Caſe of ſuch Witneſs's Eſcape, all Damages that ſhall or may be occaſioned to any Perſon thereby.

Habeas Corpus may be granted.

XLI. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon ſummoned to appear as a Witneſs in any of the ſaid Superior Courts, in Manner as herein before directed, ſhall appear according to ſuch Summons, and continue to attend from Day to Day, until diſcharged by the Court, or the Party at whoſe Inſtance he was ſummoned; and in Default thereof, ſhall be ſubject to the Pains and Penalties herein before mentioned; any Law or Uſage to the contrary notwithſtanding.

Witneſſes Time of Attendance.

XLII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Witneſs by Sickneſs, Age, or any other Cauſe, ſhall be incapable of attending Court to give Evidence, or ſhall reſide out of the Province, on Oath made thereof, or the Truth of the ſame otherwiſe ſufficiently appearing, the Judge, or Juſtices of the Court wherein the Suit is depending, ſhall and may, by Commiſſion, as from Time to Time may be neceſſary, impower ſuch and ſo many Perſons as they ſhall think neceſſary to take and receive the Depoſition of ſuch Witneſs; which, when duly returned, ſhall be received as legal Evidence.

Where Depoſitions may be taken.

XLIII. *PROVIDED always*, That the Party praying ſuch Commiſſion as aforeſaid, ſhall give ſuch Notice to the adverſe Party, of the Time and Place when and where ſuch Commiſſion is to be executed, as the Court ſhall think proper; and the adverſe Party ſhall have Liberty to croſs examine any Witneſs or Witneſſes whoſe Depoſition ſhall be ſo taken; and all Depoſitions otherwiſe taken than is herein directed, unleſs by Conſent of Parties, ſhall be void to all Intents and Purpoſes.

Proviſo, for the adverſe Party to have Notice.

XLIV. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons who may be a Witneſs or Witneſſes in any Cauſe depending in any of the ſaid Courts, ſhall be under a Neceſſity of departing the Province before the Cauſe in which he or they may be a Witneſs or Witneſſes is to be tried, that upon Oath made thereof before the Chief Juſtice, or any one of the Juſtices of the Superior Courts, and the Cauſe of Excuſe approved by him, the ſaid Chief Juſtice, or other Juſtice as aforeſaid, is hereby impowered to iſſue a Commiſſion to one or more Perſons to take the Depoſition of ſuch Witneſs; Ten Days Notice being previouſly given to the adverſe Party, his or her Attorney, of the Time and Place when ſuch Commiſſion is to be executed, that ſo he or they may attend and croſs examine ſuch Witneſs, which, when returned, ſhall be received as legal Evidence.

Perſons leaving the Province, their Depoſition may be taken.

XLV. *AND*

A. D. 1762.

Pen. for Refuſal to give Evidence.

XLV. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon who ſhall be ſummoned as a Witneſs in any of the Superior Courts, or before any Perſons appointed to take Depoſitions as aforeſaid, ſhall refuſe to give Evidence, on Oath, ſuch Perſon ſo refuſing, ſhall be committed to the common Goal, there to remain without Bail or Mainpriſe, until he or ſhe ſhall be willing to give Teſtimony in ſuch Manner as the Law now doth, or hereafter ſhall direct: Provided, That the People called *Quakers*, ſhall have the ſame Liberty of giving their Evidence, by Way of ſolemn Affirmation, as by Act of Parliament made in the Eighth Year of the Reign of his Majeſty King *George* the Firſt, intituled, *An Act, for granting to the People called* Quakers, *ſuch Terms of Affirmation or Declaration as may remove the Difficulty which many of them lie under*; and that all Negroes, *Indians*, Mulattoes, and all of mixed Blood deſcended from Negro or *Indian* Anceſtors, to the Third Generation, excluſive, Bond or Free, ſhall be deemed and taken to be incapable in Law to be Witneſſes in any Cauſe whatſoever, excepting againſt each other.

Negroes, &c. no Evidence except againſt each other.

Witneſſes Privilege.

XLVI. *AND be it further Enacted, by the Authority aforeſaid*, That during the Attendance of any Perſon ſummoned as a Witneſs to a Superior or Inferior Court, and as ſuch Perſon is going or returning from the Place of ſuch Attendance, allowing one Day for every Twenty Five Miles ſuch Perſon's Reſidence ſhall be diſtant from the ſame, no Sheriff or other Officer ſhall ſerve or execute, on any Perſon ſo attending, going to, or returning from ſuch Court, any Writ, Proceſs, Warrant, Order, Judgment or Decree, in any Cauſe; and if any ſuch ſhall be ſerved or executed, the ſame ſhall and is hereby declared null and void.

Their Allowance for Attendance.

XLVII. *AND be it further Enacted, by the Authority aforeſaid*, That for every Mile any Witneſs ſhall travel, either going to or returning from the Court to which ſuch Witneſs ſhall be ſummoned to appear, there ſhall be paid to him by the Party at whoſe Inſtance the Subpœna iſſued, Three Half-pence, Proclamation Money, *per* Mile; together with the neceſſary Charges of Ferriage; and Two Shillings like Money for every Days Attendance, from the Time appointed for the Appearance until the Time ſuch Perſon ſhall have given Evidence, or ſhall be diſcharged; provided, That in any Bill of Coſts, there ſhall not be allowed the Charge of more than Two Witneſſes to any one particular Matter of Fact.

Writs of Error granted.

XLVIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Superior Courts ſhall have Power and Authority to grant Writs of Error for correcting the Errors of any Inferior Court where the ſame ſhall be neceſſary; and the Party praying ſuch Writ of Error before the ſame ſhall iſſue, ſhall aſſign Error, and give Bond and Security, to be approved by the Court, to abide by, perform, and fulfil the Judgment which ſhall be given thereon by ſuch Court: And if upon Argument of any Writ of Error, or Tryal of any Appeal from any Inferior Court, the Judgment or Decree of any Inferior Court ſhall be reverſed, the Superior Court ſhall grant Judgment, or make ſuch Decree thereupon as ſhould have been entered or made up in ſuch Inferior Court; and ſhall and may iſſue Execution thereon without granting a Writ of *Procedendo*; and to prevent the obtaining Writs of Error by Surprize, the Party praying ſuch Writ, in a Civil Cauſe, ſhall give Notice to the adverſe

adverſe Party of his moving for ſuch Writ at leaſt Ten Days before ſuch Motion; and no ſuch Writ ſhall be granted without an Affidavit of ſuch Notice. A. D. 1762.

Habeas Corpus may be granted, to remove the Body to the Superior Court.

XLIX. AND for preventing long and oppreſſive Impriſonments, *Be it Enacted, by the Authority aforeſaid*, That when any Perſon ſhall be committed, in any Civil Action, to the Goal of any County, by Proceſs iſſuing out of any Inferior Court, for any Matter cognizable in the Superior Court, it ſhall and may be lawful for the Superior Court of the Diſtrict in which ſuch Perſon ſhall be impriſoned, upon Petition, and Cauſe ſhewn by the Perſon ſo impriſoned, to iſſue out a *Habeas Corpus Cum Cauſa*, to remove the Body of ſuch Defendant in the Goal of ſuch Superior Court, which is hereby declared to be the Goal of the Supreme Court formerly held in ſuch Diſtrict, and the Cauſe of ſuch Commitment, into the ſaid Superior Court; and the Clerk of ſuch Superior Court is hereby authorized and required, upon Direction of the Court, to iſſue ſuch Writ accordingly; and the Court ſhall and may proceed therein, and bail, or diſcharge, or remain ſuch Priſoner, as the Right of the Caſe ſhall require.

Chief Juſtice and Clerks Fees.

L. *AND be it further Enacted, by the Authority aforeſaid*, That as well the Chief Juſtice for the Time being, as the ſeveral Clerks, and other miniſteral Officers of the ſaid Courts, ſhall be allowed, and ſhall have, take and receive, for all Services by them, or any of them done, the ſame Fees as are allowed for the like Services by an Act of Aſſembly, intituled, *An Act, for regulating the ſeveral Officers Fees within this Province, and aſcertaining the Method of paying the ſame.*

Cauſes tranſpoſed into the Superior Court Dockets.

LI. *AND be it further Enacted, by the Authority aforeſaid*, That all Cauſes, Actions, Writs, Suits, Plaints, Proceſs, Recognizances, Indictments, and Preſentments whatſoever, that are, or ſhall be depending in any of the late Superior Courts of Pleas and Grand Seſſions within this Province, or ſuch as ſhall be returnable to, or had, or ſhall have Day or Days in any of the ſaid late Courts, or other Matters or Things in them depending, and not fully determined, ſhall be transferred and put on the Dockets of the reſpective Courts hereby eſtabliſhed, in the ſame Order they ſhall then ſtand in the Dockets of the ſaid late Superior Courts reſpectively; and ſhall be proceeded in by the ſaid Superior Courts hereby eſtabliſhed, according to the Method by this Act directed, as if the ſame had been originally commenced in any of the ſame, due Regard being had, that ſuch Courts take Cognizance of ſuch Suits, Matters and Things, the Cauſe or Cauſes whereof aroſe, or is ſuggeſted to have ariſen, within their reſpective Diſtricts.

Action given by any Act of Aſſembly in the Gen. Court, may be brought in any Superior Court.

LII. *AND be it further Enacted, by the Authority aforeſaid*, That in all Caſes wherein by any Act of Aſſembly heretofore made, Action is given, or Recovery directed to be had in the General Court, or any of the Supreme Courts of Juſtice, *Oyer* and *Terminer*, and General Goal Delivery, or in any of the late Superior Courts within this Province, in every ſuch Caſe, after the paſſing of this Act, Suit may be brought for the ſame Cauſe or Action, and Recovery had in ſome one of the Superior Courts of Juſtice, hereby eſtabliſhed, and Judgment and Execution ſhall be entered, as in other Caſes by this Act directed.

A. D. 1762.

Suits begun in the Gen. Court, may be taken Cognizance of in the Sup. Courts.

LIII. *AND be it further Enacted, by the Authority aforeſaid,* That all Writs and other Proceſs, and all Suits, Appeals, and Proceedings whatſoever, iſſued, granted, or proſecuted in the late Superior Courts, wherein Judgment hath been entered, or Decree made, ſhall and may be taken Cognizance of by the Superior Courts of the reſpective Diſtricts hereby eſtabliſhed, wherein the Cauſe of Action did ariſe, or was ſuggeſted to have ariſen; and ſuch Courts may, reſpectively award Execution, or other neceſſary Proceedings, on ſuch Judgment or Decree, in the ſame Manner as if ſuch Suit had been originally commenced in ſuch Court; any Law or Uſage to the contrary notwithſtanding.

Forfeited Recognizances to be paid.

LIV. *AND be it further Enacted, by the Authority aforeſaid,* That wherein the General Court, or any of the Supreme Courts, or late Superior Courts, any Recognizance has been forfeited, or Fine impoſed, and not hitherto paid, it ſhall be lawful for the Superior Court hereby eſtabliſhed, of the Diſtrict in which ſuch Recognizance was, or ſhall be forfeited, or Fine impoſed, to iſſue Execution for levying the ſame, after the Party ſhall be ſerved with a Writ of *Scire Facias*, and fails to ſhew ſufficient Cauſe to the contrary: And in all Recognizances which ſhall hereafter be forfeited, or Fines which ſhall hereafter be impoſed, in any of the Superior Courts, the ſame Proceſs ſhall iſſue, and the Forfeitures be levied in the ſame Manner, unleſs ſufficient Cauſe be ſhewn, on the Return of a *Scire Facias*, why ſuch Forfeiture ſhould be diſcharged or mitigated by the Court.

Judge appointed for *Saliſbury*.

LV. AND whereas the Remote Diſtance of the Court at *Saliſbury* from the other Courts appointed by this Act, may render the Attendance of the Chief Juſtice at the ſaid Court very uncertain and precarious; *Be it therefore Enacted, by the Authority aforeſaid,* That it ſhall and may be lawful for the Governor or Commander in Chief for the Time being, by Commiſſion under the great Seal of this Province, to conſtitute and appoint a Perſon of Skill and Ability in the Law as an Aſſiſtant Judge to the ſaid Chief Juſtice for the Diſtrict of *Saliſbury*; which ſaid Aſſiſtant Judge ſhall and may, and is hereby authorized and impowered, in Caſe of the Abſence of the Chief Juſtice, to hold the ſaid Court at *Saliſbury*, at the ſeveral and reſpective Times herein before limited and appointed for holding of the ſaid Court, and to take Cognizance of all Suits, Pleas, and Matters, whereof the ſaid Court ſhall or may have legal Juriſdiction, or whereof the ſaid Chief Juſtice could or might take Cognizance, was he himſelf perſonally preſent in the ſaid Court, and the ſame to try and determine, and alſo, to give Judgment therein, and to award Execution thereupon; and to make Orders for iſſuing Letters Teſtamentary, and Letters of Adminiſtration, and to have, uſe, and exerciſe the ſame Powers and Authorities, in the ſaid Diſtrict of *Saliſbury*, in as full and ample Manner, to all Intents and Purpoſes, as the ſaid Chief Juſtice by Virtue of his Office as Chief Juſtice of the Province, or by Force of this Act, hath, or can, or may uſe or exerciſe.

His Power.

LVI. *AND be it further Enacted,* That ſuch Aſſiſtant Judge ſhall and may, within the ſaid Diſtrict of *Saliſbury*, as well out of the Court as within the ſame, take the Proof or Acknowledgment of Deeds, or Letters of Attorney, and the private Examination of Feme Coverts, as hath heretofore been done, or may be done by the Chief Juſtice, in the like Caſes; and ſhall and may have, receive, and take the

the ſame Fees on thoſe Occaſions, as are by Law given to the Chief Juſtice; which Proofs and Acknowledgments ſhall be deemed equally good and valid in Law, as if taken in any Court of Record.

To take the Oaths.

LVII. *AND be it further Enacted, by the Authority aforeſaid*, That ſuch Aſſiſtant Judge ſhall, before he acts in the ſaid Court, take the Oaths by Law appointed for the Qualification of Public Officers, and repeat and ſubſcribe the Teſt, and alſo take the Oath of Office herein before by this Act appointed to be taken by the Chief Juſtice, *mutatis mutandis*; and in Caſe ſuch Aſſiſtant Judge ſhall preſume to act in his Office in the ſaid Court without taking the Oaths and ſubſcribing the Teſt by this Act directed to be by him taken and ſubſcribed, he ſhall forfeit Five Hundred Pounds; to be recovered by Action of Debt, Bill, Plaint, or Information, in any of the Superior Courts of this Province; one half to the Uſe of his Majeſty, his Heirs and Succeſſors, towards defraying the Charges of Government, and the other half to him or them that will ſue for the ſame.

His Salary.

LVIII. AND for the Trouble and Attendance of ſuch Aſſiſtant Judge, in holding the ſaid Court, *Be it Enacted, by the Authority aforeſaid*, That he ſhall have and receive the Sum of Seventy Five Pounds Proclamation Money for every Court he ſhall hold or attend at within the Diſtrict of *Saliſbury*, whether the Chief Juſtice be there or not; to be paid within one Month after every ſuch Court ſo held as aforeſaid, out of the Public Treaſury of this Province. *Provided always*, That it ſhall not be lawful for the ſaid Aſſiſtant Judge to practice the Law as an Attorney in any Court within the ſaid Diſtrict of *Saliſbury*.

Commiſſions of *Oyer* and *Terminer* to iſſue.

LIX. AND whereas many of the Priſons within this Province are inſufficient for the Retention of Perſons who commit Capital and other Offences againſt his Majeſty, his Peace and Government: Therefore, for the ſpeedy Tryal of ſuch Offenders; *Be it Enacted, by the Authority aforeſaid*, That the Governor or Commander in Chief for the Time being, ſo often as he ſhall find it neceſſary, is hereby impowered and authoriſed to iſſue a Commiſſion of *Oyer* and *Terminer*, and General Goal Delivery, under the Great Seal of the Province, directed to the Chief Juſtice, and one or more of the other Juſtices of the Superior Courts, for the Tryal of any ſuch Offenders; and the ſaid Chief Juſtice and other Juſtice or Juſtices ſo commiſſioned, after Receipt thereof, are hereby impowered to hold a Court within the Time limited by ſuch Commiſſion, for the Tryal of every ſuch Offender; and to hear and determine all Treaſons, Murders, Burglaries, Felonies, Treſpaſſes, Crimes, and Miſdemeanors of what Nature or Kind ſoever, wherewith ſuch Offender or Offenders is or ſhall ſtand charged, and give Judgment and award Execution thereon.

Jurors appointed.

LX. *AND be it further Enacted, by the Authority aforeſaid*, That the Chief Juſtice, and other Juſtice or Juſtices ſo commiſſioned, on receiving ſuch Commiſſion, ſhall order the Clerk of the Court for the Diſtrict where ſuch Court of *Oyer* and *Terminer* is to be held, to iſſue Writs of *Venire Facias*, directed to the Sheriff of the reſpective Counties within ſuch Diſtrict, to ſerve as Grand and Petit Jurors at ſuch Court; which Writs the ſaid Clerk is hereby impowered and required to iſſue, Ten Days at leaſt before the Day of holding every Court of *Oyer* and *Terminer*, to ſummons

A. D. 1762. ſummons Six good and lawful Men as Grand Jurors, and Six other good and lawful Men as Petit Jurors, for every County within ſuch Diſtrict, being Freeholders, to appear and attend at ſuch Court; which Perſons ſo ſummoned as Grand Jurors, or ſo many of them as ſhall appear, (together with other good and lawful Freeholders of the By-ſtanders, if neceſſary, to add to ſuch, to make a ſufficient Number of Grand Jurors) ſhall be a Grand Jury; and it ſhall be lawful for ſuch Grand Jury to enquire of, and preſent, all Treaſons, Felonies, and other Offences cognizable in the ſaid Court, which ſhall have been committed or done within any County or Counties within ſuch Diſtrict; and the Freeholders ſo ſummoned as Petit Jurors, or ſo many of them as ſhall appear, (not being challanged) together with ſo many other good and lawful Freeholders of the By-ſtanders as ſhall make up the Number of Twelve, ſhall, and are hereby declared to be a lawful Jury, for the Tryal of any Perſon or Perſons indicted of Treaſon, Felony, or other Crimes or Miſdemeanors, before the ſaid Court of *Oyer* and *Terminer:* And if any Perſon ſo ſummoned to ſerve on the Grand or Petit Juries before ſuch Court, ſhall fail to appear and attend, it ſhall be lawful for the ſaid Court to fine every Perſon ſo failing, Three Pounds; to the Uſe of the County whereof he is reſident.

Continuance of the Act.

LXI. *AND be it further Enacted, by the Authority aforeſaid*, That this Act, and every Clauſe, Article and Thing, therein contained, ſhall continue and be in Force for the Space of Two Years, from and after the Firſt Day of *January* next, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. II.

An Act, to eſtabliſh Inferior Courts of Pleas and Quarter Seſſions, in the ſeveral Counties in this Province.

Preamble.

I. WHEREAS the Eſtabliſhment of Inferior Courts, for the Tryal of Cauſes, and puniſhing Offenders, under proper Limitations and Reſtrictions, would be of great Service, and general Utility, in the ſeveral Counties within this Province;

Inferior Courts eſtabliſhed.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That in every County of this Province, a Court Quarterly in every Year, ſhall be held by the Juſtices thereof, at the ſeveral reſpective Places already aſſigned for that Purpoſe, or at ſuch Place or Places as ſhall be hereafter lawfully appointed, upon the Days herein after limited for each County reſpectively; which Courts ſhall be called Inferior Courts of Pleas and Quarter Seſſions, and taken and held to be Courts of Record.

Juſtices to take the Oaths of Government.

III. *AND be it further Enacted*, That every Perſon nominated and appointed a Juſtice of any Inferior Court, before his entering upon and executing the ſaid Office, ſhall, publicly, in the Court-houſe of his County, on a Court Day, take the Oaths appointed, or which ſhall be appointed to be taken by Act of Parliament for the Qualification of Public Officers, repeat and ſubſcribe the Teſt, and ſhall alſo take the following Oath, *to wit*,

I

I A. B. *do ſwear, That as a Juſtice of Peace in the County of in all Articles in the Commiſſion to me directed, I will do equal Right and Juſtice to the Poor and to the Rich, after my Cunning, Wit, and Power, and according to Law; and I will not be of Council in any Quarrel hanging before me; I will not lett for Gift or other Cauſe, but well and truly I will do my Office of a Juſtice of the Peace, as well within the Inferior Court of Pleas and Quarter Seſſions of the ſaid County, as without; and I will not take any Fee, Gift, or Gratuity, for any Thing to be done by Virtue of my Office; and I will not direct, or cauſe to be directed, any Warrant by me to be made, to the Parties, but I will direct them to the Sheriff or Conſtable of the County, or other the King's Officers or Miniſters, or other indifferent Perſon, to do Execution thereof.* So help me God.

A. D. 1762. And the Oath of a Juſtice.

And if any Perſon whatſoever ſhall preſume to execute the Office of a Juſtice of any Inferior Court without firſt qualifying himſelf in the Mann r by this Act before required, he ſhall, for every ſuch Offence, forfeit and pay One Hundred Pounds, Proclamation Money; one Moiety to his Majeſty, his Heirs and Succeſſors, towards the Support of this Government, and the other Moiety to the Informer: To be recovered with Coſts, by Action of Debt, in any Court wherein the ſame is cognizable.

On Pen. of 100l.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid Inferior Courts of Pleas and Quarter Seſſions, ſhall be conſtantly held upon the Days hereafter ſpecified for every County, reſpectively; that is to ſay, For the County of *Craven*, on the Firſt Tueſday in *January*, *April*, *July* and *October*. *Carteret*, on the Fourth Tueſday in *February*, *May*, *Auguſt* and *November*. *Dobbs*, on the Second Tueſday in *January*, *April*, *July* and *October*. *Johnſton*, on the Third Tueſday in *January*, *April*, *July* and *October*. *Beaufort*, on the Second Tueſday in *March*, *June*, *September* and *December*. *Pitt*, on the Laſt Tueſday in *February*, *May*, *Auguſt* and *November*. *Hyde*, on the Firſt Tueſday in *March*, *June*, *September* and *December*. *Currituck*, on the Firſt Tueſday in *January*, *April*, *July* and *October*. *Poſquotank*, on the Second Tueſday in *January*, *April*, *July* and *October*. *Perquimans*, on the Third Monday in *January*, *April*, *July* and *October*. *Chowan*, on the Fourth Monday in *January*, *April*, *July* and *October*. *Bertie*, on the Laſt Tueſday in *February*, *May*, *Auguſt* and *November*. *Tyrrel*, on the Third Tueſday in *March*, *June*, *September* and *December*. *Hertford*, on the Second Tueſday in *January*, *April*, *July* and *October*. *Northampton*, on the Firſt Tueſday in *February*, *May*, *Auguſt* and *November*. *Halifax*, on the Third Tueſday in *January*, *April*, *July* and *October*. *Edgcomb*, on the Fourth Tueſday in *January*, *April*, *July* and *October*. *Granville*, on the Second Tueſday in *February*, *May*, *Auguſt* and *November*. *Orange*, on the Firſt Tueſday in *February*, *May*, *Auguſt* and *November*. *Rowan*, on the Second Tueſday in *January*, *April*, *July* and *October*. *Anſon*, on the Fourth Tueſday in *January*, *April*, *July* and *October*. *New-Hanover*, on the Firſt Tueſday in *March*, *June*, *September* and *December*. *Bladen*, on the Fourth Tueſday in *February*, *May*, *Auguſt* and *November*. *Duplin*, on the Second Tueſday in *February*, *May*, *Auguſt* and *November*. *Cumberland*, on the Third Tueſday in *February*, *May*, *Auguſt* and *November*. *Onſlow*, on the Second Tueſday in *March*, *June*, *September* and *December*. And every Adjournment ſhall be to the next ſucceeding Court in Courſe, and not otherwiſe.

Crts. when held.

A. D. 1762.

And how long to ſit.

V. *PROVIDED nevertheleſs*, That if the Buſineſs of any of the ſaid Courts cannot be determined on the Court Day, the Juſtices may adjourn from Day to Day, not exceeding Five Days; at the End of which Time, if the Cauſes and Matters depending before them ſhall not be finally determined, or otherwiſe continued in the Manner herein after directed, the ſame ſhall be continued to the next ſucceeding Court.

One Juſtice may adjourn from Day to Day, not exceeding 3 Days.

VI. *PROVIDED alſo*, That if through Sickneſs or other Inability, Badneſs of Weather or other Accident, it ſhall ſo happen that a ſufficient Number of Juſtices ſhall not meet for holding the ſaid Courts on the Days herein before appointed, in ſuch Caſe it ſhall and may be lawful for any one Juſtice to adjourn the Court whereof he ſhall be a Member from Day to Day, not exceeding Three Days, until a ſufficient Number of Juſtices can attend to hold Court.

Courts or Proceſs in them, not to be diſcontinued.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That none of the ſaid Courts, or Proceſs in any of them depending, ſhall be diſcontinued for or by Reaſon of the Juſtices failing to hold Court upon the Day by Law appointed, or of any Alteration of any of the ſaid Days appointed for holding the ſaid Courts; but in every ſuch Caſe all ſuch Proceſs, Matters, and Things Depending, ſhall ſtand continued, and all Appearances upon Returns of Proceſs ſhall be made to the next ſucceeding Court in Courſe, in the ſame Manner as if ſuch ſucceeding Court had been the ſame Court to which ſuch Proceſs ſtood continued, or ſuch Returns or Appearances had been made; and all Recognizances, Bonds, and Obligations for Appearances, and all Returns, ſhall be of the ſame Force and Validity, for the Appearance of any Perſon or Perſons at ſuch ſucceeding Court, and all Summons for Witneſſes as effectual, as if the next ſucceeding Court had been expreſsly mentioned therein.

Juſtices Power.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the ſaid Inferior Courts of Pleas and Quarter Seſſions, or any Three of them, ſhall and may take Cognizance of, and are hereby declared to have full Power, Authority, and Juriſdiction, to hear and determine all Cauſes whatſoever at the common Law, within their reſpective Counties, where the Debt, Damages, and Cauſe of Action, is above Forty Shillings, Proclamation Money, and ſhall not exceed Twenty Pounds like Money, (Actions of Treſpaſs in Ejectment; Formedon in Decender, Remainder, and Reverter; Perjury and Felony, and ſuch Criminal Cauſes where the Judgment, upon Conviction, ſhall be for the Loſs of Life or Member, excepted) and all Petit Larcenies, Aſſaults, Batteries, and Treſpaſſes, other than ſuch Treſpaſſes wherein the Title of the Freehold ſhall or may come in Queſtion, Breaches of the Peace, and other Miſdemeanors of what Kind ſoever, of an Inferior Nature; and all Filial Portions and Legacies, and Diſtributions of Inteſtates Eſtates, and other Matters thereto relating, for any Sum or Sums not exceeding Twenty Pounds Proclamation Money: And the ſaid Juſtices of the Peace, and every of them, at all Times during their Continuance in that Office, as well within their Inferior Courts of Pleas and Quarter Seſſions as without, ſhall have full Power and Authority, as amply and as fully to all Intents and Purpoſes, as the Juſtices of the Peace in the Counties of *England*, to preſerve, maintain, and keep the Peace within their reſpective Counties.

IX. *AND*

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IX. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Inferior Courts reſpectively, ſhall and may, by Summons or other legal Proceſs, upon Application to them made, compell any Perſon or Perſons whatſoever, having in their Poſſeſſion any Will or Teſtament of any deceaſed Perſon, to exhibit the ſame to the Court, in order to a legal Probation thereof; and alſo, to receive the Probate of Wills, and order the ſame to be recorded, and make Orders for iſſuing Letters Teſtamentary, and Letters of Adminiſtration; and the Clerk ſhall and may take Two Shillings and Eight Pence for recording each Will.

Courts Power to take Probate of Wills.

X. *PROVIDED always*, That any Perſon who hath a Right to execute any Will, or to adminiſter the Eſtate of any Inteſtate, who ſhall think himſelf injured by ſuch Order, may enter a Caveat in the Court wherein ſuch Order ſhall be made, againſt the Perſon obtaining the ſame; and the Secretary, and his Deputy, ſhall forbear to ſeal and counterſign Letters Teſtamentary, or of Adminiſtration, till the Matter in Controverſy ſhall be re-heard and determined before the Governor or Commander in Chief for the Time being and Council.

Proviſo, where Caveats are entered.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Clerk of the Pleas for the Time being, ſhall, for the future, nominate and appoint ſkillful and diſcreet Perſons to ſerve as Clerks for the ſeveral Courts hereby eſtabliſhed; which ſaid Clerks ſhall, upon ſuch Nomination and Appointment, hold and enjoy their Offices during their good Behaviour therein; and each of the ſaid Clerks ſhall give Bond to the Juſtices of their reſpective Courts, with Two ſufficient Securities, in the Penalty of One Thouſand Pounds, for the Safe-keeping the Records, and the faithful Diſcharge of his Duty in his ſaid Office: Which ſaid Bond ſhall be recorded, and lodged in the Secretary's Office; and in Caſe of a Breach of the Condition thereof, may be put in Suit, for the Benefit of, and at the proper Coſt and Charges of the Party or Parties injured, and ſhall not become void upon the firſt Recovery, or if Judgment be given againſt the ſaid Juſtices, but may, from Time to Time, be put in Suit, by Action of Debt, or *Scire Facias*, until the whole Penalty ſhall be recovered: And when any Judgment ſhall be obtained upon ſuch Bond, the Damages aſſeſſed ſhall, by Order of the Court, be paid to the Perſon or Perſons injured.

Clerks to give Bond.

XII. *PROVIDED always*, That nothing herein contained ſhall be conſtrued to leſſen or take away the Power of the Juſtices of the ſaid Courts over the Clerks thereof; any Thing herein contained to the contrary notwithſtanding.

Juſtices Power over them.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon nominated and appointed Clerk of any Inferior Court, before his entering upon, and executing the ſaid Office, ſhall take the Oaths by Law appointed for the Qualification of Public Officers, repeat and ſubſcribe the Teſt, and alſo take the following Oath, *to wit*,

Clerks to take the Oaths.

I A. B. *do ſwear, I will well and truly execute the Office of Clerk of the Inferior Court of Pleas and Quarter Seſſions, for the County of according to the beſt of my Skill and Ability.* So help me God.

XIV. *AND*

A. D. 1762.

Wills to remain in the Clerk's Office.

XIV. AND for the better Preſervation of Wills, *Be it further Enacted, by the Authority aforeſaid*, That all original Wills ſhall remain in the Clerk's Office among the Records of the reſpective Counties where they ſhall be proved, whereunto any Perſon may have Recourſe as to the other Records, except for the Time the ſame ſhall or may be removed before any other Court, upon the Determination of any Controverſy.

Clerks to tranſmit Liſts of Wills proved, to the Sec. Office.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That the Clerk of every Inferior Court aforeſaid, in the Month of *October* Annually, ſhall return to the Secretary's Office a Liſt of all Certificates for obtaining Probates or Adminiſtrations granted by their reſpective Courts from Time to Time, containing the Names of the Teſtators or Inteſtates, their Executors or Adminiſtrators, and the Names of the Securities; which Liſts the Secretary is hereby required to cauſe to be recorded in his Office alphabetically in Books for that Purpoſe, and ſhall and may take and receive Two Shillings and Eight Pence Proclamation Money, for every ſuch Order therein mentioned.

Attorney General to appoint a Deputy in every County.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That the Attorney-General is hereby authoriſed and required to appoint a Deputy in each County within this Province; which ſaid Deputy ſhall and may proſecute all Matters cognizable in the Inferior Court of Pleas and Quarter Seſſions for and in Behalf of his Majeſty, and ſhall take and receive Thirteen Shillings and Four Pence Proclamation Money, on each and every Bill of Indictment found, or Preſentment made, in the ſaid Court in which he or his Deputy ſhall be.

Courts to lay a Tax for Contingencies of the County.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Inferior Courts of Pleas and Quarter Seſſions reſpectively, ſhall, and they are hereby authoriſed and impowered, Annually, between the Firſt Day of *May* and the Firſt Day of *November*, to aſſeſs and lay ſuch Tax on the Taxable Perſons in their reſpective Counties, as ſhall be ſufficient to defray the contingent Charges of the ſame: Which Tax ſhall be collected by the Sheriff, and paid and accounted for in the ſame Manner as Public and Pariſh Taxes are or ſhall be by Law directed, and by him accounted for and paid to the Court or their Order.

One Juſtice to try Debts of 40s.

And all Debts and Demands of Forty Shillings Proclamation Money, or under, are hereby declared to be cognizable and determinable by any One Juſtice of the Peace, who may give Judgment, and thereupon award Execution, againſt the Goods and Chattels or Body of the Debtor or Party againſt whom ſuch Judgment ſhall be given; which ſhall be executed and returned by the Sheriff or Conſtable to whom directed, in the ſame Manner as other Writs of *Fieri Facias*, or *Capias ad Satisfaciendum* are to be executed and returned.

Appeal granted.

XVIII. *PROVIDED neverthelefs*, That if either of the Parties ſhall be diſſatisfied with the Judgment given by ſuch Juſtice, he may appeal to the next Inferior Court of Pleas and Quarter Seſſions, firſt giving Security for proſecuting ſuch Appeal with Effect; which Cauſe ſhall be tried and finally determined the ſame Court without any further Proceeſs, in the ſame Manner as Cauſes are there tried brought by Original Petition and Summons; and Judgment ſhall thereupon be given

given, and the Party caſt ſhall pay the Coſt of all Proceedings had thereon, to be taxed by the Court: *Provided nevertheleſs*, That the Juſtice before whom Suit was firſt heard and determined, ſhall not ſit in Court or give Judgment on the Tryal of ſuch Appeal. *A. D.* 1762.

Attachmt. granted, returnable to a Juſtice.

XIX. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for any Creditor, where his Debt or Demand doth not exceed Forty Shillings Proclamation Money, to go before any Juſtice of the Peace and make Oath how much is juſtly due to him, and that he has Grounds to ſuſpect that his Debtor hath or intends to remove himſelf and Effects privately out of the County, or ſo abſconds that Proceſs cannot be ſerved upon him; and thereupon ſuch Juſtice (having firſt taken Bond and Security as in other Caſes of Attachments) ſhall iſſue an Attachment againſt the Eſtate of ſuch Debtor, returnable before any Juſtice of the County, directed to the Sheriff or any Conſtable of the County, and by Virtue thereof, it ſhall be lawful for ſuch Sheriff or Conſtable to purſue and attach ſuch Effects, and make due Return of ſuch Attachment; and the Proceedings thereon by the ſaid Juſtice ſhall be in a Summary Way in the ſame Manner as on a Warrant.

Attachment returnable to Crt.

XX. *AND be it further Enacted, by the Authority aforeſaid*, That any Juſtice of the Peace ſhall and may have Power, and is hereby authorized, upon Complaint being made by any Perſon or Perſons for any Matter or Thing, Debt or Damage cognizable in the Inferior Courts of Pleas and Quarter Seſſions of this Province, to grant an Original Attachment againſt the Eſtate of any Perſon abſconding or concealing and removing himſelf out of the County, returnable to ſuch Court, obſerving therein the Rules and Reſtrictions directed for granting Original Attachments returnable to the Superior Courts of Juſtice; and all Sheriffs and other Officers ſhall execute and return the ſame, and obſerve the Rules and Directions appointed to be obſerved in executing Attachments returnable to the Superior Court; and the like Judgment, Recovery, Relief, Remedy, and Proceedings ſhall be had thereupon, as in the like Caſes is grantable in the ſaid Superior Courts.

Proceſs how iſſued & returned.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That all Original Proceſs by Writ, Summons, Petition, or any other Manner or Means, and all ſubſequent Proceſs thereupon, to bring any Perſon or Perſons to anſwer to any Action, Suit, Bill, Information, or Plaint, in any Inferior Court of Pleas and Quarter Seſſions, (except Subpœnas to ſummon Evidences, which may be made returnable immediately) ſhall be iſſued and bear Teſt by the Clerk of every Inferior Court of Pleas and Quarter Seſſions reſpectively, and ſhall be returnable on the Firſt Day of the Sitting of the Court, and ſhall be executed at leaſt Five Days before the Return thereof; and if any Perſon iſſues any Writ or Proceſs whilſt ſuch Court is ſitting, or within Five Days before the Beginning of the Court, ſuch Writ or Proceſs ſhall be returnable to the Court next after that then ſitting or beginning to ſit within Five Days as aforeſaid, and not otherwiſe: And all Writs and Proceſs iſſued, made returnable, or executed in any other Manner, or at any other Time than is herein before directed, may be abated, upon the Plea of the Defendant.

A. D. 1762.

Proviſo, in Criminal Caſes.

XXII. *PROVIDED always*, That nothing herein contained ſhall extend, or be conſtrued to invalidate or vacate any Writ, Proceſs, Warrant, or Precept iſſued by any Juſtice of the Inferior Courts of Pleas and Quarter Seſſions on any Criminal Proſecution, or in his Majeſty's Behalf, but the ſame may be returnable on any Day in the Sitting of the Court; and the Proceedings in all Criminal Caſes ſhall be had according to the Laws and Statutes of *Great-Britain* and this Province; any Thing herein contained to the contrary notwithſtanding.

Proceed. where Proceſs iſſues to the Sheriff in Civil Caſes.

XXIII. *AND be it further Enacted, by the Authority aforeſaid*, That when any Writ or Proceſs ſhall iſſue, to take the Body of any Perſon or Perſons to anſwer unto any Plaintiff in any Civil Action in any Inferior Court of Pleas and Quarter Seſſions, the Sheriff ſhall return therewith a Bond, with Two ſufficient Securities, for double the Sum for which the Perſon ſhall be held in Arreſt, (Executors, Adminiſtrators and Perſons ſued on Penal Statutes excepted) to the Clerk, on or before the Firſt Day of every Court; and if the Sheriff ſhall not return Bail, or the Bail ſo returned ſhall be found inſufficient, upon Exception taken thereto, then, and in ſuch Caſe, the Sheriff ſhall be taken and ſtand Bail for the Defendant, and the Plaintiff may proceed in his Suit to Judgment according to the Rules hereafter mentioned, and on Judgment, or Recovery, may take out Execution againſt the Defendant, or Sheriff, or both; any Law, Uſage, or Cuſtom to the contrary, notwithſtanding: *Provided always*, That if the Defendant puts in Bail before the Time to plead given him by the Rules hereafter mentioned is expired, then the Sheriff ſhall be diſcharged. *Provided alſo*, That the Sheriff may ſurrender the Defendant in Diſcharge of himſelf at any Time before final Judgment obtained againſt the Defendant.

Execution to iſſue to any County, after Judgment.

XXIV. *AND be it further Enacted, by the Authority aforeſaid*, That where any Judgment or Decree ſhall be obtained in any Inferior Court of Pleas and Quarter Seſſions, for any Debt, Damages, Portion, or Legacy, or Proportion of any Inteſtates Eſtate, and the Perſon againſt whom ſuch Decree ſhall be obtained ſhall remove him or herſelf and Effects, or ſhall reſide out of the Limits of the Juriſdiction of ſuch Court, it ſhall be lawful for the Clerk of the Court where Judgment was given or Decree made, at the Requeſt of the Party for whom the ſame was rendered, to iſſue a Writ of *Fieri Facias*, *Capias ad Satisfaciendum*, or other Proceſs, under the Teſt herein before preſcribed, and to direct the ſame to the Sheriff or other Officer of any County in this Province, where the Defendant or Debtor, or his Goods, ſhall be found; which ſaid Sheriff or other Officer to whom the ſame ſhall be directed, is hereby impowered and required to ſerve and execute the ſame; and ſhall make Return thereof to the Court where the Judgment or Decree was given, in the ſame Manner as if ſuch Proceſs had iſſued from the Superior Court of Juſtice.

Proceed. where *Non eſt Inventus* is returned.

XXV. AND for the better aſcertaining what Proceſs may be iſſued where the Sheriff ſhall return that the Defendant is not to be found in his Bailiwick; *It is hereby Enacted*, That when any Sheriff ſhall make ſuch Return, the Plaintiff or Plaintiffs, in any Civil Action, may ſue an Attachment againſt the Eſtate of ſuch Defendant, returnable as is herein before directed for the Return of Original or other

other ſubſequent Proceſs, thereupon to enforce an Appearance, or an *Alias*, or *Pluries Capias*, until ſuch Defendant be arreſted, at the Election of the Plaintiff or Plaintifs; and if the Sheriff ſhall return ſuch Attachment Executed, the Plaintiff ſhall file his Declaration according to the Rules of the Court, and be intitled to a Judgment. *A. D.* 1762.

Proceedings on Attachments the ſame as in the Superior Courts.

XXVI. *AND be it further Enacted, by the Authority aforeſaid*, That the ſame Rules, Methods and Proceedings, ſhall be had, kept, uſed and obſerved, by the ſaid Inferior Courts of Pleas and Quarter Seſſions, and Officers, in the granting, iſſuing, executing, returning, and awarding Judgment on judicial Attachments; and the like Remedy, Recovery and Relief, againſt Sherifs and Bail, as in like Caſes is provided by Law in Suits depending in the Superior Courts of Juſtice.

Rules of Court.

XXVII. AND for the regular Proſecution and Determination of Suits, entering up Judgments, and Preſervation of the Records; *Be it therefore Enacted, by the Authority aforeſaid*, That the following Rules and Methods ſhall be obſerved; *to wit*,

THAT the Plaintiff in every Suit ſhall file his Declaration on the Firſt Day of the Court, or firſt calling of the Cauſe in Court; and at the ſame Time ſerve the Defendant, or his Attorney, with a Copy thereof, if required.

THAT if the Plaintiff fail to file his Declaration, or appear and proſecute his Suit, the Defendant may enter a Non-proſs.

THAT the Defendant ſhall enter his Appearance, and file his Plea in Writing, whether General or Special, the firſt Court; and if he fails ſo to do, the Plaintiff ſhall have Judgment, which in Actions of Debt ſhall be final, except where Damages are to be ſuggeſted on the Roll; in which Caſe, and in all others where the Plaintiff ſhall recover in Damages, a Writ of Enquiry ſhall be executed the next Court.

THAT the Defendant may plead as many ſeveral Matters as he ſhall think neceſſary for his Defence, ſo that he be not admitted to plead and demur to the whole.

THAT all Iſſues, whether General or Special, ſhall be heard and tried the next ſucceeding Court, unleſs ſufficient Cauſe is ſhewn to ſuch Court why ſuch Cauſes ſhall be continued.

THAT all Cauſes at Iſſue ready for Tryal, be firſt heard and tried.

THAT every Motion in Arreſt of Judgment ſhall be argued the laſt Day of the ſame Court the Iſſue is tried, the Defendant's Attorney firſt ſerving the Plaintif's Attorney with a Copy of the Reaſons in Arreſt of Judgment; unleſs, upon ſufficient Reaſons ſhewn, and approved of by the Court, further Time ſhall be allowed.

THAT when any ſpecial Verdict ſhall be found, or Demurrer to Evidence, at the Motion of either Party, Time ſhall be allowed to the next ſucceeding Court for hearing.

THAT in every Cauſe, unleſs brought by Petition, if the Plaintiff recovers, or is Non-ſuit, or where his Suit ſhall be diſmiſſed, or Judgment paſſed for the Defendant, the Court ſhall allow in the Bill of Coſts Fifteen Shillings Proclamation Money, for an Attorney's Fee, if the Party employed one.

THAT the Clerk of every Inferior Court of Pleas and Quarter Seſſions, where any Cauſe is finally determined, ſhall enter all Pleadings and other Matters relating thereto

A. D. 1762. thereto in a Book kept for that Purpoſe, that an entire and perfect Record may be made up.

Dilatory Pleas prevented.

XXVIII. AND for Prevention of Delay and Vexation by dilatory Pleas, *It is hereby further Enacted*, That no Plea in Abatement ſhall be received in any Action or Suit, unleſs the Truth thereof be ſufficiently ſhewn to the Court by Affidavit, or otherwiſe; and in all Actions where the Declaration ſhall plainly ſet forth ſufficient Matter of Subſtance for the Court to proceed upon the Merits of the Cauſe, the Suit ſhall not abate for Want of Form; and that when any Plea in Abatement ſhall be pleaded in any Action, and upon Argument thereof the ſame ſhall be judged inſufficient, the Plaintiff or Plaintifs in ſuch Action ſhall recover againſt the Defendant or Defendants full Coſts to the Time of over-ruling ſuch Plea, including the Coſt of that Court, a Lawyer's Fee only excepted.

Proceedings by Petition & Summons.

XXIX. *AND be it further Enacted, by the Authority aforeſaid*, That for the more ſpeedy and eaſy Recovery of ſmall Debts, it ſhall be lawful for the Juſtices of any Inferior Court of Pleas and Quarter Seſſions to hear, and finally end and determine, all Suits brought for any Debt or Demand due by Judgment, Obligation, Account, or otherwiſe, for any Sum or Sums of Money above the Value of Forty Shillings Proclamation Money, and of leſs Value than Five Pounds like Money, by Petition, without the Solemnity of a Jury; and the ſaid Juſtices are hereby authoriſed and required, and ſhall have full Power and Authority ſo to do, and to award Execution thereupon; and when the Demand ſhall be of leſs Value than Five Pounds, and above Forty Shillings, the Plaintiff ſhall proceed by Petition, in the Manner by this Act directed; and if any Plaintiff ſhall demand a greater Sum on Purpoſe to evade this Act, he ſhall be Non-ſuit, and pay Coſt: And the Method of Proceeding ſhall be in a ſummary Way, *to wit*, The Petition ſhall expreſs whether the Debt ariſes by Judgment, Obligation, Account, or otherwiſe, and if by Account, the ſame ſhall be filed, together with the Petition; and upon filing ſuch Petition in the Clerk's Office, a Summons of Courſe ſhall be iſſued, under the Hand of the Clerk, returnable to the next Court, a Copy of which, together with a Copy of the Petition, and a Copy of the Account (where the Demand is upon an Account) ſhall be delivered to the Defendant, or leſt at his uſual Place of Abode, Five Days at leaſt before the next ſucceeding Court; and the ſame being returned Executed, by a ſworn Officer, if the Defendant ſhall not then appear, it ſhall be lawful for the ſaid Juſtices to hear and examine into the Truth of the Matter complained of, and to determine the Cauſe upon the Evidence produced, or to diſmiſs the Petition, as to them ſhall ſeem juſt; and if the Defendant ſhall appear upon ſuch Summons, he ſhall forthwith put in ſuch Plea or Anſwer thereto as will bring the Matter of Complaint in Iſſue, and thereupon, or if he fails to plead, the Court ſhall inſtantly proceed to hear and determine the Cauſe in a ſummary Way, upon any ſuch Evidence as ſhall be given, and ſhall give Judgment according as the very Right of the Cauſe and Matter in Law ſhall appear unto them, without Regard to Form in the Proceſs, Petition, or Courſe of Proceeding, ſo as ſufficient Matter be ſet forth whereupon the Court may give Judgment according to the very Right of the Cauſe; and the Court ſhall not admit of any Delay in the Determination of any ſuch Suit till another Court, unleſs good Cauſe be made appear for ſuch Delay: But where the Penalty of any

any Bond or Obligation for Debt ſhall be Five Pounds or upwards, and ſhall be put in Suit, the ſame ſhall be brought and proſecuted at the Common Law, and not by Petition, although Part of the Principal be paid before Suit brought: And when any Petition ſhall be filed in leſs than Five Days before the Court Day next following the filing thereof, the Summons thereupon ſhall be made returnable to the next Court held after the Expiration of Five Days; and the ſame being returned Executed, the Proceedings thereupon at the Return Day, ſhall be in like Manner as before directed; and that upon every Judgment given upon ſuch Petition, if a Lawyer be employed, the Clerk ſhall tax in the Bill of Coſts, Seven Shillings and Six Pence for an Attorney's Fee, and no more. *A. D.* 1762.

Bail to be given to Petition, if required.

XXX. *PROVIDED neverthelefs*, That the Sheriff, upon ſerving any ſuch Petition, ſhall and may, and he is hereby impowered and required, if directed by the Petitioner by Indorſement on his Petition, to take Bail as is uſual on executing a Writ; and for taking ſuch Bail, and returning a Bail Bond, ſhall be allowed One Shilling and Eight Pence, to be taxed in the Bill of Coſts: And upon Judgment being recovered againſt the Defendant in any ſuch Suit, the Court ſhall and may, and are hereby required, to award Execution againſt the Defendant and ſuch Bail, jointly, unleſs the Principal ſhall ſurrender himſelf to Goal, or be delivered up by the Bail, before Execution being ſo granted; any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

Clerk and Sheriff's Fees on Petitions.

XXXI. *AND be it further Enacted, by the Authority aforeſaid*, That the Clerk of every Inferior Court ſhall have, take, and receive, for the whole Fees chargeable for each Petition and Summons, and all the Proceedings therein, including a Copy of the Judgment, taxing Coſts, and entering an Attorney, (except Subpœnas for Witneſſes, Orders for Continuances, and iſſuing Execution, when any of the ſaid Matters happen) Seven Shillings and Six-pence, and no more; and the Sheriff ſhall and may take and receive Two Shillings and Eight-pence for ſerving a Copy of ſuch Petition and Summons, beſides the Fee above-mentioned for the Bail Bond, and no more.

And their Fees for all Services.

XXXII. *AND be it further Enacted, by the Authority aforeſaid*, That every Clerk, Sheriff, and other Officer of the ſaid Inferior Court of Pleas and Quarter Seſſions, may take and receive the Fees herein before mentioned; and alſo, for every other Service by them reſpectively to be done, ſhall and may take ſuch Fees and Perquiſites as they could or might have done for performing the like Services by Virtue of an Act of Aſſembly, intituled, *An Act, for regulating the ſeveral Officers Fees within this Province, and aſcertaining the Method of paying the ſame:* And if any Clerk, Sheriff, or other Officer of the ſaid Courts, ſhall demand, extort, exact, or receive any other or larger Fees, or ſhall refuſe to do the particular Service of his Office for the Fees in this and the before recited Act expreſſed, or ſhall introduce any new Fees, or charge any ſuch for any pretended Service when ſuch Service is not actually performed, and when the ſame, according to the Courſe of Practice, is not neceſſary to be done; every ſuch Clerk, Sheriff, and other Officer, for every ſuch Offence, ſhall forfeit and pay Five Pounds Proclamation Money; to be recovered and applied as by the aforeſaid Act is directed.

A. D. 1762. Appeals granted.

XXXIII. AND for granting Appeals from the Inferior Courts of Pleas and Quarter Seſſions, to the Superior Courts of Juſtice, and obtaining Writs of Error to the ſaid Courts; *Be it further Enacted, by the Authority aforeſaid*, That when any Perſon or Perſons, either Plaintiff or Defendant, ſhall be diſſatisfied with the Judgment, Sentence, or Decree of any Inferior Court, he may pray an Appeal from the Judgment, Sentence, or Decree of ſuch Court to the Superior Court of Juſtice of the Diſtrict wherein ſuch Inferior Court of Pleas and Quarter Seſſions is held; but before obtaining the ſame, ſhall enter into Bond, with Two ſufficient Securities, for proſecuting the ſame, and performing the Judgment, Sentence, or Decree that the Superior Court ſhall enter or make thereon, in Caſe ſuch Appellant ſhall be caſt.

Writs of Error granted.

XXXIV. AND becauſe it may happen, that in iſſuing Proceſs, carrying on the Proceedings, and rendering Judgments in the ſaid Inferior Courts of Pleas and Quarter Seſſions there may be Error to reverſe Judgments; *Be it Enacted*, That when any Defendant is deſirous to proſecute a Writ of Error, he ſhall move the Inferior Court of Pleas and Quarter Seſſions where ſuch Suit is depending, to allow a Writ of Error, he firſt entering into Bond as afore-mentioned; and the Court is hereby impowered and required to allow thereof, as if ſuch Writ of Error was then and there produced.

How proſecuted.

XXXV. AND for carrying on and proſecuting ſuch Appeals and Writs of Error; *Be it Enacted, by the Authority aforeſaid*, That the following Rules and Methods of Practice ſhall be obſerved, *to wit*, That when any Perſon, either Defendant or Plaintiff, conceives he is injured by the Judgment, Sentence, or Decree of any Inferior Court, and ſhall have appealed to the Superior Court in Manner above directed, a Tranſcript of the Proceedings of the Inferior Court ſhall be filed with the Clerk of ſuch Superior Court Fifteen Days before the ſitting of the Court; and if the Tryal in the Inferior Court was of an Iſſue to the Country, a Tryal *de Novo* ſhall be had, and if on a Hearing on a Petition for a filial Portion, or Legacy, or Diſtribution of an Inteſtates Eſtate, or other Matter thereto relating, a Re-hearing at the ſaid Court, without Notice given by either Party; and if ſuch Tranſcript of the Proceedings is not filed within the Time aforeſaid, with the Clerk of the Superior Court, or if the Appellant ſhall fail to appear and proſecute his Appeal, then the Judgment, Sentence, or Decree of the Inferior Court ſhall be affirmed, and the Appellant ſhall be adjudged to pay double Coſts; provided, that there ſhall be Thirty Days between the Day of Tryal or Hearing in the Inferior Court, and the next Superior Court: But when it ſo happens that there are not Thirty Days between ſuch Tryal or Hearing and the Superior Court, ſuch Appeal ſhall be continued, and a Tranſcript of the Proceedings tranſmitted to the Superior Court next after: And where any Defendant will proſecute a Writ of Error, he may move the Inferior Court where the Tryal is had, and enter into Bond, with Security, as before mentioned, whereupon a Tranſcript of the Proceedings ſhall be filed with the Clerk of the Superior Court Fifteen Days before the Court, and the Party proſecuting ſuch Writ of Error ſhall aſſign and file Error the firſt Four Days of the Court; and in Caſe ſuch Defendant ſhall neglect to file ſuch Writ, and aſſign Error as aforeſaid, or ſhall fail to appear and proſecute the ſame, then the Judgement of the Inferior Court ſhall be affirmed, and the Plaintiff in Error ſhall be adjudged to

to pay double Coſts; provided that there ſhall be Thirty Days between ſuch Motion for obtaining a Writ of Error, and the Time of holding the Superior Court. *A. D.* 1762.

Clerk to make up a Record of the Proceedings, and give a Copy to the Appellant.

XXXVI. *AND be it further Enacted, by the Authority aforeſaid,* That in every Inferior Court within this Province, when an Appeal ſhall be granted, or Writ of Error allowed, the Clerk of ſuch Court ſhall immediately make up a full and perfect Record of all the Proceedings in ſuch Cauſe, and ſhall, within Ten Days after the Adjournment of the Court, give an atteſted Copy of ſuch Record with a Taxation of all Coſts accrued, to the Perſon appealing, or to whom the Writ of Error is allowed; and every Clerk neglecting to do the ſame, ſhall forfeit and pay to the Perſon intitled to ſuch atteſted Copy, the Sum of Five Pounds Proclamation Money: To be recovered by Action of Debt, Plaint or Information, in any Court of Record; and the ſaid Clerk ſhall alſo be further liable to an Action on the Caſe, for all ſuch Damages as ſuch Perſon ſhall ſuſtain for Want thereof.

Proceedings againſt Sheriffs, in Actions againſt them.

XXXVII. *AND be it further Enacted, by the Authority aforeſaid,* That if any Action or other Proceſs ſhall be commenced and proſecuted againſt the Sheriff of any County in this Province, then inſtead of other Proceſs which might be legally taken in the like Caſe againſt any other Perſon, the Clerk of any Inferior Court of Pleas and Quarter Seſſions ſhall, upon Requeſt, iſſue a Summons directed to the Coroner of the County, reciting the Matter or Cauſe charged againſt ſuch Sheriff, and ſummons him to appear and anſwer the ſame at the next Inferior Court of Pleas and Quarter Seſſions to be held for the ſaid County; and if ſuch Sheriff ſhall not appear according to ſuch Summons, it ſhall be lawful for the Court to award an Attachment againſt the Eſtate of ſuch Sheriff ſo failing to appear; and thereupon the like Proceedings ſhall be had as in Caſes of other Attachments.

Summonſes how to iſſue.

XXXVIII. AND for the better Diſcovery of the Truth in any Matter whatſoever before the Inferior Courts; *Be it Enacted, by the Authority aforeſaid,* That the Clerk of every ſuch Court may, and he is hereby authoriſed and required, upon the Requeſt of either Party, to iſſue one or more Summons or Summonſes for any Perſon or Perſons to attend as a Witneſs or Witneſſes in any Cauſe depending before them, directed to the Sheriff or other Officer of the County where ſuch Witneſs or Witneſſes do live or uſually reſide, who is hereby impowered and required to ſerve ſuch Summons or Summonſes, and the Witneſs or Witneſſes thereby ſummoned ſhall appear according to the Tenor thereof, and every Perſon or Perſons ſo ſummoned and attending, ſhall have the ſame Allowance, and be intitled to the ſame Privileges and Exemptions, as Witneſſes ſummoned to any Superior Court have or may claim; and on Failure to attend according to ſuch Summons, ſhall be liable to the ſame Penalties, Fines, Forfeitures, and Actions, as Witneſſes ſummoned to attend the aforeſaid Superior Courts are liable and ſubject to in the like Caſes, and ſhall and may be proceeded againſt accordingly; any Law, Uſage, or Cuſtom to the contrary, notwithſtanding: And when any Witneſs is aged, infirm, or otherwiſe incapable of attending the Court, or reſides out of the County, ſuch Court, upon Motion of either Party, and the Truth thereof appearing, may grant a Dedimus, to take the Examination of ſuch Witneſs or Witneſſes, in the ſame Manner, and with ſuch Notice, as ſuch Commiſſions may be iſſued, executed, and returned, in Proceedings in the Superior Courts. XXXIX. *AND*

A. D. 1762.

Evidences ſummoned, how long to attend.

XXXIX. *AND be it further Enacted, by the Authority aforeſaid,* That every Perſon ſummoned to appear as a Witneſs in any of the ſaid Inferior Courts in Manner as herein before directed, ſhall appear according to ſuch Summons, and continue to attend from Day to Day, until diſcharged by the Court or by the Party at whoſe Inſtance he was ſummoned; and in Default thereof, ſhall be ſubject to the Pains and Penalties herein before mentioned; any Law or Uſage to the contrary notwithſtanding.

Proceſs in the late Courts, to be tranſpoſed into the Inferior Courts.

XL. *AND be it further Enacted, by the Authority aforeſaid,* That all Cauſes, Actions, Suits, Writs, Petitions, Summonſes, Plaints, Proceſs, Recognizances, Indictments, and Preſentments whatſoever, heretofore commenced and not yet determined in either of the late Inferior Courts of Pleas and Quarter Seſſions in this Province, or ſuch as ſhall be returnable to, or had, or ſhall have Day or Days in any of the ſaid Courts, or other Matters or Things in them depending, not fully determined after the paſſing of this Act, ſhall be tranſpoſed and carried off the Dockets in each of the ſaid late Inferior Courts into the Dockets of the ſeveral Courts by this Act Eſtabliſhed, in the ſame Order in which they ſhall then ſtand in the Dockets of the ſaid late Inferior Courts reſpectively; and ſhall be proceeded on by the ſaid Courts according to the Method by this Act directed, as if the ſame had been originally commenced therein.

All Proceſs in the late Courts where Judgment entered, to be taken Cognizance of.

XLI. *AND be it further Enacted, by the Authority aforeſaid,* That all Writs and other Proceſs, and all Suits and Proceedings whatſoever, iſſued, granted, or proſecuted in any of the ſaid late Inferior Courts, wherein Judgment hath been entered or Decree made, ſhall and may be taken Cognizance of by the ſaid Courts of the reſpective Counties by this Act eſtabliſhed; and ſuch Courts may reſpectively award Execution or other neceſſary Proceedings on ſuch Judgment or Decree, in the ſame Manner as if ſuch Suit had been originally commenced in ſuch Court by this Law hereby eſtabliſhed; any Law, Uſage, or Cuſtom to the contrary, notwithſtanding.

Continuance of the Act.

XLII. *AND be it further Enacted, by the Authority aforeſaid,* That this Act, and every Clauſe and Article thereof, ſhall be and continue in Force for Two Years, from and after the firſt Day of *January* next, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. III.

An Act, to impower the ſeveral Inferior Courts of Pleas and Quarter Seſſions to try all Cauſes commenced in the late Inferior Courts, where the Debt, Damage, or Thing ſued for, does not exceed Fifty Pounds Proclamation Money.

Preamble.

WHEREAS by the late Inferior Court Law, Power was given to the Juſtices of the reſpective Courts to try all Cauſes where the Debt, Damage, or Thing ſued for, did not exceed Fifty Pounds Proclamation Money, and there being

being divers Suits commenced in the ſaid late Courts, and not yet determined, for the Sum of Fifty Pounds, and no Proviſion having been made for the Tryal of ſuch Cauſes in the Inferior Court Law already paſſed by the Council and Aſſembly: For Remedy whereof. *A. D.* 1762.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That all Cauſes heretofore commenced in any of the late Inferior Courts, wherein the Debt, Damage, or Thing ſued for, ſhall exceed the Value of Twenty Pounds Proclamation Money, and does not exceed the Sum of Fifty Pounds like Money, and not already determined, ſhall be tried in the ſaid Courts, and in the ſame Manner, as if the Sum ſued for did not exceed Twenty Pounds; and the Juſtices are hereby declared to have Cognizance thereof, to give Judgment, and award Execution thereon, as fully and amply, to all Intents and Purpoſes, as in other Caſes where the Debt, Damage, or Thing ſued for, did not exceed the Value of Twenty Pounds Proclamation Money; any Thing in the before recited Act of Aſſembly to the contrary, in any-wiſe, notwithſtanding. Courts Power to try Cauſes.

CHAP. IV.

An Act, directing the Method of appointing Jurymen in all Cauſes, Criminal and Civil.

I. WHEREAS a juſt Deciſion of Suits and Controvercies in the ſeveral Courts of Juſtice in this Province, greatly depend on the Integrity and Capacity of Jurymen; Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That no Perſon ſhall be a Juryman in either of the Superior Courts of Juſtice within this Province who ſhall not be nominated, ſummoned and qualified, as is herein after directed; that is to ſay, The Juſtices of the Inferior Courts within the Diſtrict of each reſpective Superior Court in this Province, ſhall, and they are hereby directed, before the Sitting of any Superior Court, to nominate Twenty Four Freeholders, to ſerve as Grand Jurymen, and Twenty Four Freeholders to ſerve as Petit Jurors, at ſuch Superior Court; except the Juſtices of the Inferior Courts within the Diſtrict of *Saliſbury*, who are hereby required, to nominate Twenty Four Freeholders, to ſerve as Grand Jurymen, and only Twelve Freeholders to ſerve as Petit Jurors, at the Superior Court of the ſaid Diſtrict. Manner of appointing Jurymen.

III. *PROVIDED always*, That no Inferior Court ſhall, knowingly, nominate any Perſon to ſerve as a Grand or Petit Juror, at Two Courts ſucceſſively; nor any Perſon to ſerve on the Petit Jury, who ſhall have an Action or Suit to be tried in the Superior Court at the Term to which he ſhall be ſo nominated. Perſons excepted.

IV. *AND be it further Enacted*, That the Number of Freeholders to be nominated for each County to ſerve as Jurors as aforeſaid, ſhall be proportioned as follows, *to wit*, *New-Hanover* County, Sixteen; *Bladen* County, Ten; *Onſlow* Number of Jurymen for the ſeveral Counties.

A. D. 1762. County, Eight; *Duplin* County, Eight; and *Cumberland* County, Six, for the Diſtrict of *Wilmington*. *Craven* County, Eighteen; *Carteret* County, Four; *Beaufort* County, Six; *Hyde* County, Four; *Dobbs* County, Ten; and *Pitt* County, Six, for the Diſtrict of *Newbern*. *Northampton* County, Ten; *Halifax* County, Twelve; *Granville* County, Eight; *Orange* County, Six; *Edgcomb* County, Eight; and *Johnſton* County, Four, for the Diſtrict of *Halifax*. *Chowan* County, Ten; *Perquimans* County, Six; *Paſquotank* County, Eight; *Currituck* County, Four; *Tyrrell* County, Six; *Bertie* County, Eight; and *Hertford* County, Six, for the Diſtrict of *Edenton*. *Rowan* County, Twenty-two; and *Anſon* County, Fourteen, for the Diſtrict of *Saliſbury*. A Liſt of which Jurors ſo nominated, ſhall be delivered by the Clerk of each Inferior Court of Pleas and Quarter Seſſions to the Sheriff, who ſhall, and is hereby required, to ſummon the Perſons ſo nominated to ſerve as Jurymen at the Superior Court: And if any Juryman ſo ſummoned ſhall fail to appear, he ſhall be fined Three Pounds Proclamation Money, unleſs he can ſhew ſufficient Cauſe to the next Court to excuſe his Non-Appearance; which Fine ſhall be applied to the Payment of ſuch Jurors as ſhall attend from the ſaid County, and thereby leſſen the County Tax.

Pen. for Non-Appearance.

By ſtanders may be ſummoned.

V. *PROVIDED always*, That if the ſaid Inferior Court of Pleas and Quarter Seſſions ſhall fail or neglect to nominate Freeholders, to ſerve as Grand and Petit Jurors as aforeſaid, or the Perſons ſo nominated ſhall fail to attend, it ſhall and may be lawful for ſuch Superior Court to order and direct the Sheriff to ſummon other Freeholders of the By-ſtanders, to ſerve as Jurymen, for either Grand or Petit Juries; and the Perſons ſo ſummoned, ſhall be deemed and held as lawful Jurymen; provided that ſuch By-ſtanders as ſhall be ſummoned to ſerve the Petit Jury ſhall and may, every Day, be diſcharged; and the ſucceeding Day, and ſo from Day to Day, during the Continuance of the Court, the Sheriff ſhall ſummons, of the By-ſtanders, ſo many as ſhall be neceſſary: And every Perſon ſo ſummoned of the By-ſtanders, who ſhall not appear and ſerve as a Juryman, ſhall be fined the Sum of Three Pounds, unleſs he can ſhew ſufficient Cauſe, to be admitted by the Court, to be applied as before directed.

Pen. for Non-Appearance.

Fines appropriated.

VI. AND that the Fines aforeſaid may be applied according to the Directions of this Act; *Be it Enacted, by the Authority aforeſaid*, That the Fines herein impoſed ſhall be levied by the Sherifs of each reſpective County wherein each Perſon ſhall reſide, who ſhall be ſummoned as a Juryman as is herein directed, and ſhall fail to appear and ſerve as ſuch; and ſuch Sheriff ſhall be accountable for the ſame to the Inferior Court of his County.

Time of ſummoning Jurors.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff of each reſpective County ſhall, and he is hereby required, to ſummon the Freeholders in the Liſt to be delivered him by the Clerk of the Inferior Court of his County, at leaſt Ten Days before the Sitting of the Superior Court at which ſuch Freeholders are to attend as Jurors, which he may do perſonally, or by leaving a Note or Summons, in Writing, at the Dwelling-Houſe of ſuch Freeholder ſo to be nominated as aforeſaid.

VIII. *AND*

Manner of drawing Juries.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Clerk of each Superior Court ſhall, every Day during the Continuance of ſuch Court, write the Names of all Petit Jurors appearing, on Scrolls or Pieces of Paper, which ſhall be put into a Box; and on every Iſſue in every Suit, when it is not otherwiſe agreed by Conſent, a Child under Ten Years old, in open Court, ſhall draw out of the ſaid Box, Twelve of the ſaid Scrolls or Pieces of Paper; and the Perſons whoſe Names ſhall be on the ſaid Scrolls or Pieces of Paper drawn as aforeſaid, ſhall be the Jurors to try ſuch Iſſue; provided that they all ſhall appear; and in Caſe of Defaulters, other Scrolls ſhall be drawn, till a ſufficient Number ſhall appear to make a compleat Jury.

Proviſo, for Challenges.

IX. *PROVIDED alſo*, That if any of the Jurors whoſe Name ſhall be drawn as is herein before directed, ſhall be lawfully challenged, other Scrolls ſhall be drawn in Manner aforeſaid, as Occaſion may require, till a compleat Number of Jurors ſhall appear.

Jurors Allowance for Attendance.

X. AND whereas the attending the Superior Courts will be very expenſive to Jurors; For Remedy whereof, *Be it Enacted, by the Authority aforeſaid*, That each and every Juror who ſhall attend either of the Superior Courts, to which he ſhall be nominated as aforeſaid, and ſummoned in Virtue of this Act, upon producing a Certificate from the Clerk of the Superior Court of the Time of his Attendance, to the Inferior Court of the County where he reſides, ſhall have and receive Three Shillings Proclamation Money, for every Day he ſhall travel and attend as aforeſaid; and an Allowance for his Ferriages, if certified as aforeſaid, to be paid out of the County Tax.

Jurors to be ſummoned for the Inferior Courts.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff of each reſpective County of this Province ſhall, Five Days at leaſt before the Sitting of each reſpective Inferior Court, to be held after the paſſing of this Act, ſummon Twenty Four Freeholders to ſerve on the Grand Jury, and Twelve Freeholders to ſerve on the Petit Jury, to attend at ſuch Courts reſpectively; which ſaid Jurors ſhall appear and give their Attendance accordingly till diſcharged by the Court: And that there may not be a Default of Jurors, it ſhall and may be lawful, during the ſitting of the Inferior Court, for the Sheriff, by Order of the ſaid Court, to ſummon of the By-ſtanders, other Jurors to ſerve on the Petit Jury, from Day to Day, and on any Day of the ſaid Court, the Juſtices may diſcharge thoſe who have ſerved the preceeding Day.

Their Attendance inforced.

XII. AND to enforce the Attendance of Jurymen at the ſaid Inferior Courts; *Be it Enacted, by the Authority aforeſaid*, That every Perſon who ſhall hereafter be ſummoned in Virtue of this Act to appear, either as a Grand or Petit Juryman at any Inferior Court, and ſhall fail to appear, or give his Attendance till diſcharged by Order of the Court, ſuch Perſon ſo failing to appear, or give his Attendance till diſcharged, ſhall be fined Forty Shillings by the Juſtices of the Inferior Court; to be applied towards defraying the Charges of the County, and leſſening the County Tax, unleſs he ſhall ſhew ſufficient Cauſe to the next ſucceeding Court for ſuch Failure.

XIII. *AND*

A. D. 1762. Continuance of the Act.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall continue and be in Force for and during the Space of Two Years, from and after the firſt Day of *January* next, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. V.

An Act, for the better Care of Orphans, and Security and Management of their Eſtates.

Preamble.

I. WHEREAS the greateſt Part of the Eſtates in this Province belonging to Orphans, are of ſo inconſiderable Value, that an Application to the Court of Chancery, in many Inſtances, will occaſion an Expence, which the Profits of them are not ſufficient to defray; and it having been found by Experience, that the Court of each reſpective County, exerciſing the Power of regulating the Education of Orphans, and the Management of their Eſtates, have proved of ſingular Service to them:

Fathers to diſpoſe of the Cuſtody of their Children.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That where any Perſon hath, or ſhall have any Child or Children under the Age of Twenty-one Years and not married, it ſhall and may be lawful to and for the Father of ſuch Child or Children, whether born at the Time of his Death, or in *Ventre ſamere*, or whether ſuch Father be within the Age of Twenty-one Years, or of full Age, by Deed executed in his Life-time, or by his laſt Will and Teſtament in Writing, in ſuch Manner, and from Time to Time, as he ſhall think fit, to diſpoſe of the Cuſtody and Tuition of ſuch Child or Children, for and during ſuch Time as he, ſhe, or they ſhall remain under the Age of Twenty-one Years, or for any leſs Time, to any Perſon or Perſons other than the People called *Quakers*, and *Popiſh* Recuſants; and every ſuch Diſpoſition heretofore made, or hereafter to be made, ſhall be good and effectual againſt all and every Perſon and Perſons claiming the Cuſtody and Tuition of ſuch Child or Children as Guardian, in Soccage, or otherwiſe; and the Perſon or Perſons to whom ſuch Cuſtody and Tuition hath been, or ſhall be ſo diſpoſed or deviſed, ſhall and may maintain an Action of Raviſhment of Ward or Treſpaſs againſt any Perſon or Perſons who ſhall wrongfully take away or detain any ſuch Child or Children, for the Recovery of ſuch Child or Children, and ſhall and may recover Damages for the ſame in the ſaid Action, with Coſts, for the Benefit of ſuch Child or Children.

Proviſo, for Quakers.

III. *PROVIDED neverthelefs*, That nothing in this Act contained ſhall be conſtrued to hinder any of the People commonly called *Quakers* to make ſuch Diſpoſition, or to hinder the Superior or Inferior Courts from committing the Guardianſhip and Cuſtody of their Children to the People of that Perſuaſion; and that every Perſon or Perſons to whom ſuch Tuition and Cuſtody hath been, or ſhall be ſo diſpoſed or deviſed as aforeſaid, ſhall and may take into his and their Poſſeſſion, for the Uſe of ſuch Child or Children, the Profits of all Lands, Tenements, and Hereditaments; and alſo the Slaves, Goods and Chattels, and perſonal Eſtate of ſuch

ſuch Child or Children; and may bring ſuch Action or Actions in Relation thereunto, as by Law a Guardian in common Soccage might do.

Not to diſcharge Apprentices.

IV. *PROVIDED always*, That nothing herein before contained ſhall extend to diſcharge any Apprentice from his Apprenticeſhip; and the Superior Court of the Diſtrict, or the Inferior Courts of Pleas and Quarter Seſſions of the County wherein ſuch Guardian ſhall reſide, reſpectively, upon Complaint to them made of ſuch Guardian abuſing the Truſt repoſed in him, by miſuſing the Child or Children ſo committed to his Tuition as aforeſaid, in being about, or intending to marry ſuch Child or Children in Diſparagement; neglecting the Care of their Education ſuitable to their Eſtate; or waſting, converting to his own Uſe, or otherwiſe miſmanageing ſuch Eſtate; to make and eſtabliſh, from Time to Time, ſuch Rules and Orders for placing ſuch Child or Children under the Care and Tuition of any other Perſon or Perſons, ſecuring the Eſtate, and for the better Education and Uſage of ſuch Child or Children, as they, in their Diſcretion, ſhall judge meet and neceſſary.

Guardians abuſing their Truſt, may be removed.

Courts Power over Orphans.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Superior Courts and Inferior Courts of Pleas and Quarter Seſſions of this Province, within their reſpective Juriſdictions, have, and ſhall have full Power and Authority, from Time to Time, to take Cognizance of all Matters concerning Orphans and their Eſtates, and to appoint Guardians in ſuch Caſes where to them it ſhall appear neceſſary; and ſhall take good Security of all Guardians by them to be appointed for the Eſtate of the Orphans by them committed: And if any Court ſhall commit an Orphan's Eſtate to the Charge or Guardianſhip of any Perſon or Perſons without taking good and ſufficient Security for the ſame, the Juſtice or Juſtices apointing ſuch Guardian ſhall be liable for all Loſs and Damages ſuſtained by the Orphan for Want of ſuch Security being taken: To be recovered by Action, at the Common Law, in any Court of Record in which the ſame is cognizable, at the Suit of the Party grieved.

Pen. for Neglect.

Proviſo, where Security was at firſt good.

VI. *PROVIDED always*, That where the Securities were good at the Time of their being taken or excepted, but afterwards become inſolvent; in ſuch Caſe the Juſtice or Juſtices ſhall not be liable.

Bonds given by Guardians, payable to the Juſtices, in Truſt for Orphans.

VII. *AND be it further Enacted*, That the Bond to be given by any Perſon or Perſons appointed Guardians as aforeſaid, ſhall be made payable to the Juſtice or Juſtices preſent in Court and granting ſuch Guardianſhip, the Survivors or Survivor of them, their Executors or Adminiſtrators, in Truſt, for the Benefit of the Child or Children committed to the Tuition and Care of ſuch Guardian; which Bond ſuch Court ſhall cauſe to be acknowledged before them and recorded; and that in the Name of the Juſtice or Juſtices to whom the ſaid Bond is made payable, the Survivor or Survivors of them, their Executors or Adminiſtrators, any Perſon or Perſons injured, may and ſhall, at his, her or their Coſts and Charges, commence and proſecute a Suit againſt ſuch Guardians and his Securities, Executors or Adminiſtrators; and ſhall and may recover all Damages which he, ſhe, or they have ſuſtained by Reaſon of the Breach of the Condition thereof.

A. D. 1762.

Proviſo, where Judgment for Guardian.

VIII. *PROVIDED always*, That if any Verdict or Judgment ſhall paſs for ſuch Guardian, or his Securities, the Perſon at whoſe Inſtance ſuch Suit ſhall be commenced or proſecuted, ſhall pay Coſts.

Duty of Guardians.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That when a Guardian ſhall be appointed to an Orphan by any Superior or Inferior Court, ſuch Guardain ſhall, at the next Court after his Appointment, exhibit an Account, upon Oath, of all the Eſtate of ſuch Orphan which he or ſhe ſhall have received into his or her Hands or Poſſeſſion; and every Guardian heretofore, or hereafter to be by any ſuch Court appointed, ſhall annually, exhibit his Account, and State of the Profits and Diſburſements of the Eſtate of ſuch Orphan upon Oath; and ſuch Account ſo to be exhibited, ſhall be entered by the Clerk in particular Books to be provided and kept for that Purpoſe only: And when the ſaid Cours ſhall know or be informed that any Guardian or Guardians by them reſpectively appointed, do waſte or convert the Money or Eſtate of any Orphan to his or their own Uſe, or do in any Manner miſmanage the ſame, is about, or intends to marry him or her in Diſparagement, or neglects to educate or maintain any Orphan according to his or her Degree and Circumſtances, or where any ſuch Guardian or his Securities are likely to become inſolvent; ſuch Court ſhall have Power, from Time to Time, to make and eſtabliſh ſuch Rules and Orders for the better ordering, managing, and ſecuring ſuch Eſtate, and for the better Education of, and maintaining ſuch Orphans, or to appoint another Guardian, as they ſhall think fit and convenient.

Courts Power where they abuſe their Truſt.

To ſell the periſhable Eſtate.

X. *AND be it further Enacted*, That every Guardian, Executors, or Adminiſtrators, as ſoon as conveniently the ſame may be done, ſhall, by Order of the Superior or Inferior Court of Pleas and Quarter Seſſions, cauſe the Sheriff to ſell and diſpoſe of all the Goods and Chattels of his or her Ward as are or may be liable to periſh, conſume, or be the worſe by uſing or keeping, (except in the Inſtances hereafter mentioned) for the moſt that can be got for the ſame, by Public Sale, having firſt advertiſed the ſame at all Public Places within the County at leaſt Twenty Days before the Day of Sale, in reaſonable Lots, and ſhall, for enhancing the Price thereof, give Six Months Credit, upon good Security given, for which Service the Sheriff ſhall be allowed by the Court, ſo as ſuch Allowance does not exceed Two and a half *per Cent.* and ſuch Guardian, after the Time of ſuch Payment is paſt, ſhall take and purſue all lawful Ways and Means to receive and recover the Money, upon Pain of being anſwerable for the ſame; and if the ſame cannot be received before the Orphan intitled to receive ſuch Money ſhall have a Right to demand it, or ſuch Guardian ſhall be removed from his Guardianſhip, he or ſhe ſhall and may aſſign ſuch Bond to ſuch Orphan, and ſuch Aſſignment ſhall diſcharge ſuch Guardian for ſo much againſt him, her or them: And where the Profits of any Orphans Eſtate ſhall be more than ſufficient to maintain and educate him or her, the Guardian of ſuch Orphan ſhall lend the Surplus, and all other Sums of Money in his Hands belonging to ſuch Orphan, upon Bond, with good and ſufficient Securities, to be approved of by the next ſucceeding Court, and to be repaid with Intereſt; which Intereſt ſuch Guardian ſhall account for annually; and where the Perſon or Perſons to whom ſuch Money ſhall be lent, or their Securities, are likely to become Inſolvent, ſuch Guardian ſhall uſe all lawful Means to enforce the Payment thereof, on Pain of being

And take all lawful Means to recover the Money; or aſſign the Bond when the Orphan comes of Age.

Profits more than will maintain the Orphan, Surplus to be lent, on Intereſt, and Means taken to ſecure it.

being liable for the ſame as aforeſaid; and an Aſſignment of ſuch laſt mentioned Bond in either of the aforementioned Caſes, ſhall diſcharge ſuch Guardian for ſo much as is ſpecified in the Condition thereof.

Slaves and Stock to be kept on their Land.

XI. *AND be it further Enacted*, That where any Orphan ſhall have Lands, and a ſufficient Number of Slaves to cultivate and improve the ſame, ſuch Slaves, unleſs otherwiſe ordered by the Superior or Inferior Courts, ſhall be employed on the Lands and Plantations of ſuch Orphan; and all Horſes, Cattle, Sheep, or Hogs, ſhall be kept upon ſuch Lands and Plantations until ſuch Orphan comes of Age; and he or ſhe ſhall have the Benefit of the Increaſe, and ſhall ſuſtain the Loſs, if any ſhall happen.

Proviſo, where too numerous.

Plate to be delivered in Kind.

XII. *PROVIDED neverthelefs*, That if any ſuch Stock grow too numerous, or if it will be to the Advantage of ſuch Orphan, his or her Guardian ſhall and may ſell, by Order of the Superior or Inferior Court, ſuch Part of ſuch Stock as ſuch Court ſhall think fit; and all Plate ſhall be preſerved and delivered to ſuch Orphan when at Age, in Kind, according to Weight and Quantity.

Their Land to be farmed for no longer Time than they come of Age, and Plantations to be kept in Repair.

XIII. *AND be it further Enacted*, That no Guardian ſhall let or farm out any Land belonging to any Orphan for a longer Term than the Orphan be of Age, or in other Manner than by Leaſe, in Writing; and that ſpecial Care be had that the Tenant ſhall improve the Plantation; and that he or ſhe keep the Houſes, Orchards and Fences thereon, or that ſhall be erected on the ſame, in good and ſufficient Repair, and leave the ſame ſo at the Expiration of ſuch Leaſe; and that Proviſion be made in ſuch Leaſe for preventing all Kind of Waſte, and employing any Timber to any other Uſe than the immediate Uſe of the Plantation.

Their Land not to lapſe.

XIV. *AND be it further Enacted*, That if the Guardian of any Orphan ſhall ſuffer his or her Lands to lapſe or become forfeited for Non-Payment of Quit-Rents, ſuch Guardian ſhall be liable to anſwer the full Value of the Lands ſo forfeited unto ſuch Orphan at his or her coming of Age: And if it ſhall ſo happen that any Orphan ſhall not have Slaves to cultivate his or her Lands, and the Guardian of ſuch Orphan cannot Rent the ſame for ſufficient to pay and diſcharge the Quit-Rents thereof, and there ſhall not be perſonal Eſtate ſufficient for that Purpoſe, it ſhall and may be lawful for ſuch Guardian, with the Conſent and Approbation of the Superior or Inferior Court, Annually, to ſell or diſpoſe of, or uſe ſo much of the Lightwood, to box ſo many Pine Trees, or to ſell ſo much of the Timber on the ſame, as ſhall raiſe ſufficient to pay and ſatisfy the Quit-Rents thereof, and no more.

Lightwood may be ſold, or Trees boxed, to pay the Quit-Rents.

Orphans Court to be held.

Guardians to exhibit their Accounts.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of every Inferior Court of Pleas and Quarter Seſſions in this Province, reſpectively, ſhall on the firſt Day of the Court that ſhall be held next after the firſt Day of *January* in every Year, hold an Orphan's Court for the Purpoſe aforeſaid; and every Perſon heretofore appointed, or that ſhall hereafter be appointed Guardian to any Orphan by any Court, or by Deed or Will as aforeſaid, ſhall exhibit ſuch Account as aforeſaid, and the Juſtices of every Court ſhall, at the ſame Court, examine into all Accounts of Guardians ſo to be exhibited to them, and ſhall direct a Summons to

A. D. 1762.

And prevent Abuſes.

to iſſue, returnable to their next Court, againſt all Guardians who ſhall then fail to appear and render ſuch Account, whether ſuch Guardian be reſident in the ſame or any other County, and ſhall then alſo enquire into the Abuſes and Miſmanagement of Guardians; and whether they, or their Securities, are likely to become inſolvent, and thereupon to proceed according to the Power in this Act before given; and if any ſuch Guardian ſhall wilfully neglect, after being ſummoned as aforeſaid, to appear, or obſtinately refuſe to exhibit ſuch Account, it ſhall and may be lawful for the Court to iſſue an Attachment for ſuch Contempt, and to commit ſuch Guardian until he or ſhe ſhall exhibit ſuch Account.

Courts Power at any Time, to enquire into Abuſes.

XVI. *PROVIDED always*, That nothing herein before contained ſhall be conſtrued to reſtrain the Power of the Inferior Courts of Pleas and Quarter Seſſions in enquiring, as often as they ſhall think proper, into the Abuſes and Miſmanagement of Guardians; but that it ſhall be lawful for them to execute ſuch Power at any Time or Times when to them it ſhall appear neceſſary; any Thing in this Act contained to the contrary notwithſtanding.

Churchwardens to give Account of the Orphans in their Pariſh, and of Abuſes of their Eſtates.

XVII. *AND be it further Enacted*, That the Grand Jury of every County in this Province ſhall, annually, at the Orphans Court to be holden for their Counties, reſpectively, be charged with, and preſent to the Juſtices thereof, in Writing, the Names of all Orphan Children within their Pariſh that they ſhall know have not Guardians appointed them, and are not bound out to ſome Trade or Employment; and all Abuſes, Miſmanagements and Neglect of ſuch Guardians as live within their County.

Reaſonable Diſburſements allowed Guardians.

XVIII. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for every Guardian to charge in his Account all reaſonable Diſburſements and Expences; and if, upon rendering ſuch Account, it ſhall appear to the Court that ſuch Guardian hath, really and *bona fide*, diſburſed more in one Year than the Profits of the Orphan's Eſtate do amount unto, for the Education and Maintenance of ſuch Orphan, ſuch Guardian ſhall be allowed and paid for the ſame out of the Profits of ſuch Orphan's Eſtate in any other Year.

To be ſuitable to the Orphans Circumſtances.

Where they have ſmall Eſtates, to be bound out.

XIX. *PROVIDED always*, That ſuch Diſburſements be, in the Opinion of ſuch Court, ſuitable to the Degree and Circumſtances of the Eſtate of ſuch Orphan; and that where ſuch Eſtate ſhall be of ſo ſmall Value that no Perſon will educate and maintain him or her for the Profits thereof, ſuch Orphan ſhall, by Direction of the Court, be bound Apprentice; every Male to ſome Tradeſman, Merchant, Mariner, or other Perſon approved by the Court, until he ſhall attain to the Age of Twenty-one Years; and every Female to ſome ſuitable Employment, till her Age of Eighteen Years; and alſo, ſuch Court may, in like Manner, bind Apprentice, all free baſe born Children; and every ſuch Female Child being a Mulatto or Muſtee, until ſhe ſhall attain the Age of Twenty-one Years: And the Maſter or Miſtreſs of every ſuch Apprentice, ſhall find and provide for him or her, Diet, Cloaths, Lodging, and Accommodations, fit and neceſſary; and ſhall teach, or cauſe him or her to be taught, to read and write; and, at the Expiration of his or her Apprenticeſhip, ſhall pay every ſuch Apprentice the like Allowance as is by Law

Law appointed for Servants by Indenture or Cuſtom; and on Refuſal, ſhall be compelled thereto, in like Manner: And if upon Complaint made to the Inferior Court of Pleas and Quarter Seſſions, it ſhall appear that any ſuch Apprentice is ill-uſed, or not taught the Trade, Profeſſion, or Employment to which he or ſhe was bound, it ſhall be lawful for ſuch Court to remove and bind him or her to ſuch other Perſon or Perſons as they ſhall think fit. A. D. 1762.

Manner of binding Apprentices.

XX. *AND be it further Enacted*, That the binding of ſuch Apprentice by Order of Court as aforeſaid, ſhall be by Indenture, made in the Name of the preſiding acting Juſtice of the Court, and his Succeſſors, of the one Part, and of the Maſter or Miſtreſs to whom he or ſhe ſhall be bound, of the other; which Indenture ſhall be acknowledged or proved before ſuch Court, and recorded, and a Counterpart thereof ſhall remain and be kept in the Clerk's Office for the Benefit of ſuch Apprentice; and that any Perſon or Perſons injured, may and ſhall, at his or her Coſts and Charges, proſecute a Suit thereon in the Name of ſuch Juſtice, or his Succeſſors, and recover all Damages which he or ſhe may have ſuſtained by Reaſon of the Breach of the Covenants therein contained; and if any Verdict or Judgment ſhall paſs for ſuch Maſter or Miſtreſs, he or ſhe ſhall recover Coſts.

Proceed. where Securities are likely to ſuffer.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That where any Perſon who now is, or hereafter ſhall be Security for the Eſtate of any Orphan, ſhall conceive himſelf in Danger by Reaſon thereof, and petition the Court where ſuch Security was entered into for Relief, it ſhall be lawful for ſuch Court upon Petition to them exhibited, forthwith to order Summons to iſſue, againſt the Party or Parties with and for whom the Petitioner ſtands bound, returnable to the next Court; and thereupon to compel ſuch Party or Parties to give ſufficient other or counter Securities, to be approved by the ſaid Court, or to deliver up the ſaid Eſtate to the ſaid Petitioner, or ſuch other Perſon as the Court ſhall direct; or they may, and are hereby impowered, to make ſuch other Order or Rule therein for the Relief of the Petitioner, and better ſecuring ſuch Orphan's Eſtate, as to them ſhall appear juſt and equitable.

Securities to be taken when Eſtate committed.

XXII. *PROVIDED always*, That ſuch Court ſhall take good and ſufficient Security of the Perſon or Perſons to whom ſuch Eſtate ſhall be ſo committed, in like Manner, and under the like Penalty, as is by this Act required to be taken of Guardians appointed by the Court; and every ſuch Perſon ſhall alſo exhibit his Account, and be ſubject to the Rules and Orders of the Court, in the ſame Manner, to all Intents and Purpoſes, as is herein before required of Guardians, or they are made ſubject unto.

Legacies, &c. how recoverable.

XXIII. *AND be it further Enacted, by the Authority aforeſaid*, That all Legacies, filial Portions, diſtributive Shares of Inteſtates Eſtates, Sum or Sums of Money, or other Eſtate, due or owing from any Perſon appointed Guardian to any Orphan, or from any Executors or Adminiſtrators, or other Perſon whatſoever, ſhall and may be recovered by Petition to the Superior Courts of the Diſtricts, or any Inferior Courts of Pleas and Quarter Seſſions, Reſpect being had to the Juriſ-

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Rules of Court. THE Petioner ſhall file his Petition in Court, upon exhibiting the ſame, and thereupon Summons ſhall be iſſued by the Clerk of Courſe; and that upon the Defendant's being ſerved therewith, and with a Copy of the ſaid Petition, he ſhall appear and put in his Anſwer or Plea, upon Oath, or Demur.

THAT upon an Anſwer, Plea or Demurrer being filed as aforeſaid, the Petitioner may move the Court to have the ſame ſet for Hearing, and immediately argued, and thereupon the Court ſhall proceed to hear and determine the ſame according as the Matter in Equity and Law ſhall appear to them, without Regard to Form, or Want of Form in the Petition, Proceſs, or Courſe of Proceedings.

THAT upon the Defendant's being ſerved with a Summons, and a Copy of the Petition, Ten Days before the Court to which ſuch Summons is returnable, and Oath made thereof, if he ſhall fail to appear and plead, anſwer or demur as aforeſaid, the Petitioner's Petition ſhall be taken *pro confeſſo*, and the Matter thereof decreed accordingly, with Coſts; unleſs, on ſpecial Reaſons ſhewn to, and approved of by the Court, Time ſhall be allowed ſuch Defendant to file ſuch Plea, Anſwer, or Demurrer.

THAT upon the Petitioner diſmiſſing his Petition, or the ſame being diſmiſſed for Want of Proſecution, he ſhall pay Coſts.

AND if any Defendant ſhall appear on ſuch Summons, and ſhall obſtinately refuſe to anſwer the Petition of the Petitioner, the ſame ſhall be taken *pro confeſſo*, and the Matter decreed as aforeſaid.

EVERY Defendant ſhall be at Liberty to ſwear his Anſwer or Plea before any Juſtice.

THAT when a Plea or Demurrer ſhall be over-ruled, the Defendant ſhall file his Anſwer the ſame Court.

THAT when the Petitioner ſhall be minded to diſprove the Anſwer of the Defendant and ſupport his Claim, he may reply.

COMMISSIONS to examine Witneſſes may be awarded by the Court after Replication filed, the Party taking out ſuch Commiſſion giving the adverſe Party Ten Days Notice of the Time and Place of executing the ſame.

AND that upon a Decree being made on any ſuch Petition, it ſhall and may be lawful for the Court who ſhall make the ſame, to grant Execution againſt the Defendant's Body, Goods and Chattels, Lands and Tenements, for ſatisfying ſuch Decree, and Coſts: Any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Appeal granted. XXIV. *AND be it further Enacted, by the Authority aforeſaid*, That when any Perſon ſhall conceive himſelf injured or aggrieved by Order or Sentence of any Inferior Court, in appointing a Guardian to any Orphan, or in removing any Orphan from the Care and Tuition of any Perſon who has been appointed ſuch, or on Refuſing to make ſuch Appointment or Removal as aforeſaid, he may appeal from ſuch Order or Sentence to the Court of Chancery of this Province, or to the Superior Court of the Diſtrict, at his Option; and the Party praying ſuch Appeal, ſhall file a Copy of the Proceedings of the Inferior Court therein with the Clerk of the Chancery, or Clerk of the Superior Court, (as the Caſe may be) Fifteen Days before the Sitting

Sitting of ſuch Court, and thereupon it ſhall and may be lawful for the Court to which ſuch Appeal is made, to proceed to rehear the Matter, and either affirm or reverſe, ſuch Order or Sentence, and thereupon to award Execution for all ſuch Coſts and Charges as ſhall be occaſioned by ſuch Appeal. A. D. 1762.

XXV. *PROVIDED neverthelefs*, That the Party praying ſuch Appeal, before the ſame ſhall be granted by the Inferior Court, ſhall enter into Bond, with ſufficient Security, for proſecuting ſuch Appeal with Effect; and the Payment of all ſuch Coſts and Charges as ſhall be awarded againſt him in Caſe he ſhall be caſt in his ſaid Appeal. Appellant to give Bond.

XXVI. *PROVIDED alſo*, That nothing in this Act contained ſhall be conſtrued to reſtrain or abridge the Power of the ſaid Court of Chancery, in any Matter or Thing relating to Orphans or their Eſtates; but the ſaid Court ſhall and may hold, uſe, exerciſe and enjoy, the ſame Juriſdictions, Powers and Authorities therein, in as full and ample Manner, to all Intents and Purpoſes, as if this Act had never been made; any Thing herein contained to the contrary notwithſtanding. Court of Chancery's Power not abridged.

CHAP. VI.

An Act, for making Proviſion for an Orthodox Clergy.

Repealed

I. WHEREAS making a reaſonable and certain Proviſion for an Orthodox Clergy, may tend to encourage pious and learned Miniſters of the Goſpel, to ſettle in the ſeveral Pariſhes in this Province: Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Miniſter now, or hereafter to be preferred to, or received into any Pariſh within this Province, as Incumbent thereof, ſhall have and receive a Salary of One Hundred and Thirty-three Pounds Six Shillings and Eight Pence, Proclamation Money; to be paid by the Churchwardens on or before the laſt Day of *June*, Annually: And every Miniſter of a Pariſh may take and receive, for the Services herein after mentioned, the following Fees, *to wit*, Miniſt. Salary.

FOR marrying, if by Licence, Twenty Shillings, if by Banns, Five Shillings. His Fees.

FOR publiſhing Banns, and granting Certificate thereof, One Shilling and Six Pence.

FOR preaching a Funeral Sermon, if required, Forty Shillings Proclamation Money.

And may demand and receive the ſaid Perquiſites, if he ſhall not refuſe or neglect to do the ſaid Services, although ſuch Services ſhall be performed by any other Perſon.

III. *AND be it further Enacted, by the Authority aforeſaid*, That in every Pariſh of this Province, where a Glebe is not already purchaſed and appropriated, a Tract of good arable Land, to contain Two Hundred Acres at leaſt, ſhall be purchaſed Glebe to be purchaſed.

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chaſed by the Veſtry, as a Glebe, for the Uſe of the Incumbent of ſuch Pariſh, for the Time being, and his Succeſſors, for ever; and until ſuch Glebe ſhall be purchaſed, and Buildings erected thereon, in Manner herein after mentioned, the Miniſter of ſuch Pariſh ſhall have and receive the Sum of Twenty Pounds Proclamation Money, Annually.

Manſion-houſe to be built.

IV. AND where a Manſion-Houſe, and convenient Out-houſes are not already erected, for the Uſe of the Miniſter, *It is hereby Enacted*, That the Veſtry of every ſuch Pariſh are hereby authoriſed, impowered and required, to cauſe to be erected and built on ſuch Glebe, one convenient Manſion-houſe, of Thirty-eight Feet in Length, and Eighteen Feet in Wedth, a Kitchen, Barn, Stable, Dairy, and Meat-houſe, with ſuch other Conveniences as they ſhall think neceſſary.

Buildings on Glebes to be kept in Repair.

V. AND to the End that the Buildings already erected, or hereafter to be erected upon every Glebe may be kept in good Condition; *It is hereby further Enacted*, That the Miniſter of every Pariſh within this Province, ſhall during the Time of his being Incumbent of the Pariſh, keep and maintain the Manſion-houſe, the Out-houſes, and other Conveniencies erected, or to be erected on his Glebe, in tenantable Repair, and ſhall ſo leave the ſame at his Removal from his Pariſh, or Death, (Accidents by Fire or Tempeſt only excepted:) And in Caſe any Miniſter ſhall fail ſo to do, ſuch Miniſter, his Executors or Adminiſtrators, ſhall be liable to the Action of the Churchwardens of the Pariſh for the Time being; wherein the Value of ſuch Repair ſhall be recovered, and Damages, with Coſts of Suit; and the Damages ſo recovered, ſhall be applied and laid out in neceſſary Repairs upon the Glebe: And every Veſtry of a vacant Pariſh is hereby impowered and required, to put all the Buildings upon the Glebe of their Pariſh into ſuch good and ſufficient Repair, that they may be fit for the Reception of the ſucceeding Miniſter.

Veſtry may make neceſſary Repairs.

VI. *PROVIDED neverthelefs*, That any Veſtry who ſhall Judge that the Miniſter has not, wilfully, committed any Waſte on his Glebe, ſhall make ſuch neceſſary Repairs, at the Charge of the Pariſh, as they ſhall think proper.

Right of Preſentation in the Veſtry where a Vacancy.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſole Right of Preſentation of a Miniſter to every Pariſh within this Province, ſhall be and remain in the ſeveral Veſtries thereof, where a Vacancy now is, or hereafter ſhall happen.

Vacant Pariſhes may employ neighbouring Miniſters.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That where any Pariſh is, or ſhall become vacant by the Death or Removal of the Miniſter, or otherwiſe, the Veſtry of ſuch Pariſh ſhall have full Power to employ ſome neighbouring Miniſter or proper Reader to officiate, until an Incumbent may be had, that Divine Service may not be neglected.

No Miniſter to be preſented without Biſhop of *London*'s Licence.

IX. *PROVIDED always*, That no Veſtry ſhall preſent as a Miniſter to their Pariſh, any Perſon who ſhall not firſt have a Certificate from the Biſhop of *London*, that ſuch Miniſter hath been duly ordained conformable to the Doctrine and Diſcipline of the Church of *England*, and is of a good Life and Converſation.

X. *AND*

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X. *AND be it further Enacted, by the Authority aforeſaid*, That if any Clergyman preſented to any parochial Living within this Province, ſhall be guilty of any groſs Crime or notorious Immorality, it ſhall be lawful for the Governor or Commander in Chief for the Time being, by and with the Advice of his Majeſty's Council, to remove and diſcharge the ſaid Clergyman from ſerving the Cure of ſuch Pariſh whereof he was incumbent; and ſuch Removal and Diſcharge ſhall be deemed, held and taken to be of the ſame Force and Effect, as any Sentence of Deprivation in any Eccleſiaſtical or other Court whatſoever; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Miniſter guilty of Immorality, may be removed.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That all and every other Act or Acts, and every Clauſe and Article thereof, for ſo much as relates to any Matter or Thing within the Purview of this Act, (except one Act of Aſſembly, intituled, *An Act, to confirm an Agreement made by the preſent Churchwardens and Veſtry of* Chriſt Church Pariſh, *in* Craven *County, with the Reverend* James Reed; and alſo, one Act, intituled, *An Act, to confirm an Agreement made with the Churchwardens and Veſtry of* Edgcomb *Pariſh, in* Halifax *County, with the Reverend* Thomas Burgeſs,) from henceforth, ſhall be repealed and made void.

Repealing Clauſe.

CHAP. VII.

An Act, for the further continuing and amending an Act, For appointing a Militia; *and alſo, to continue one other Act, intituled*, An Act, to amend and continue an Act, intituled, *An Act, for appointing a Militia.*

Expired

I. WHEREAS an Act for appointing a Militia, paſſed at *Wilmington* the Fourteenth Day of *July*, in the Year of our Lord One Thouſand Seven Hundred and Sixty; and one other Act, to amend and continue an Act, For appointing a Militia, paſſed the Third Day of *December*, One Thouſand Seven Hundred and Sixty, are near expiring; and it being neceſſary the ſaid Acts ſhould be amended and continued;

Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That for the future all Coroners and Conſtables in this Province, ſo long as they continue in Office, ſhall be exempt from inliſting themſelves, and appearing at any private or general Muſters; any Thing in the before recited Acts to the contrary notwithſtanding.

Coroners, &c. exempted.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the above recited Acts, intituled, *An Act, for appointing a Militia*, paſſed at *Wilmington* the Fourteenth Day of *July*, One Thouſand Seven Hundred and Sixty; and an Act, intituled, *An Act, to amend and continue an Act, for appointing a Militia*, paſſed the Third Day of *December*, One Thouſand Seven Hundred and Sixty; and each and every Clauſe and Article in them, reſpectively, ſhall be and continue in Force for and during the Space of One Year from and after the paſſing hereof, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

Acts continued.

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CHAP. VIII.

An Act, appointing the Method of diſtributing Inteſtates Eſtates.

Inteſtates Eſtates diſtributed.

I. BE it *Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That all and every Perſon and Perſons to whom Adminiſtration on the Eſtate of any Perſon deceaſed ſhall hereafter be granted, ſhall diſtribute the Surplus of ſuch Eſtate in Manner following; that is to ſay, One Third Part of the ſaid Surplus to the Wife of the Inteſtate, and all the reſt, by equal Portions, to and amongſt the Children: And in Caſe any of the Children be then dead, other than ſuch Child or Children (not being Heir at Law) who ſhall have any Eſtate by the Settlement of the Inteſtate, or ſhall be advanced by the Inteſtate, in his Lifetime, by Portion or Portions, equal to the Share which ſhall by ſuch Diſtribution be allotted to the other Children to whom ſuch Diſtribution is to be made; and in Caſe any Child (other than the Heir at Law) who ſhall have any Eſtate by Settlement from the ſaid Inteſtate, or ſhall be advanced by the ſaid Inteſtate in his Lifetime by Portions not equal to the Share which will be due to the other Children by ſuch Diſtribution as aforeſaid, (ſuch Settlement or Advancement to be adjudged to the Value it was worth at the Time of the Settlement or Advancement;) then ſo much of the Surplus of the Eſtate of ſuch Inteſtate to be diſtributed to ſuch Child or Children as ſhall have any Land by Settlement from the Inteſtate, or were advanced in the Lifetime of the Inteſtate, as ſhall make the Eſtate of all the Children to be equal as near as can be eſtimated; but the Heir at Law, notwithſtanding any Land that he ſhall have by Deſcent, or otherwiſe from the Inteſtate, is to have an equal Part in the Diſtribution with the reſt of the Children, without any Conſideration of the Value of the Land which he hath by Deſcent, or otherwiſe from the Inteſtate: And in Caſe there ſhould be no Children, nor any legal Repreſentatives of them, then, One Moiety of the ſaid Eſtate to be allotted to the Wife of the Inteſtate; the Reſidue of the ſaid Eſtate to be diſtributed equally to every of the next of Kin of the Inteſtate who are in equal Degree, and to thoſe who legally repreſent them; provided that there be no Repreſentatives admitted amongſt Collaterals after Brothers and Siſters Children; and in Caſe there be no Wife, then all the ſaid Eſtate to be diſtributed equally to and amongſt the Children; and in Caſe there be no Child, then to the next of Kindred, in equal Degree, of, or unto the Inteſtate, and their legal Repreſentatives as aforeſaid, and in no other Manner whatſoever: And if, after the Death of the Father, any of his Children ſhall die Inteſtate, without Wife or Children, in the Lifetime of the Mother, every Brother and Siſter, and the Repreſentatives of them, ſhall have an equal Share, with the Mother, of the Eſtate of the Child or Children ſo dying Inteſtate.

Repealing Clauſe.

II. *AND be it further Enacted, by the Authority aforeſaid,* That ſo much of an Act of Aſſembly, intituled, *An Act, concerning proving Wills, and granting Letters of Adminiſtration, and to prevent Frauds in the Management of Inteſtates Eſtates,* as is within the Purview of this Act, is hereby repealed and made void.

CHAP.

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CHAP. IX.

An Act, for the more eaſy Recovery of Money due upon promiſory Notes, and to render ſuch Notes negotiable.

Preamble.

I. WHEREAS promiſory Notes are of great Utility, as well to Merchants as others, and there being no Method of recovering Money, ſpecified in ſuch Notes, by any Act of Aſſembly in Force in this Province; For Remedy whereof,

Method of Recovery on promiſory Notes.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That all Notes ſigned by any Perſon or Perſons, Body politic or corporate, or by the Servant or Agent of any Corporation, Banker, Merchant or Trader, who is, or ſhall be uſually intruſted to ſign ſuch promiſory Notes for them, whereby ſuch Perſon or Perſons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant or Trader, ſhall promiſe to pay any Perſon or Perſons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant or Trader, or Order; the Money mentioned in ſuch Note, ſhall be conſtrued to be, by Virtue thereof, due and payable to ſuch Perſon or Perſons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant or Trader, to whom the ſame is made payable; and alſo, ſuch Note payable to ſuch Perſon or Perſons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant or Trader, or Order, may be aſſignable over in like Manner as In-land Bills of Exchange are by Cuſtom of Merchants in *England*; and the Perſon or Perſons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant or Trader, to whom ſuch Money is or ſhall be payable, may maintain an Action for the ſame, as they might upon ſuch Bill of Exchange, and the Perſon or Perſons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant or Trader, to whom ſuch Note ſo payable to Order is aſſigned or indorſed, may maintain an Action againſt the Perſon or Perſons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant or Trader, who ſigned, or ſhall ſign ſuch Note, or any who ſhall or have indorſed the ſame, as in Caſes of In-land Bills of Exchange, and recover Damages, and Coſts of Suit; and in Caſe of Non-Suit, or a Verdict ſhould paſs againſt the Plaintiff, the Defendant ſhall recover Coſts.

Judgments already recovered, valid.

III. *AND be it further Enacted, by the Authority aforeſaid,* That all Judgments heretofore recovered in any Court of Law within this Province, on any ſuch promiſory Note or Notes, ſhall be good and valid, to all Intents and Purpoſes, and ſhall not be reverſed for any Matter or Cauſe relating to ſuch Note or Notes; and all Actions heretofore commenced in any of the ſaid Courts on any promiſory Note or Notes, and not already determined, ſhall be proſecuted, carried on, and Judgment thereupon had, in like Manner as is directed for the Recovery of Money due upon promiſory Notes by an Act of Parliament made in the Third and Fourth Years of the Reign of her late Majeſty Queen *Anne*, for making ſuch Notes negotiable.

IV. *AND*

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Notes negotiable.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That when any Perſon or Perſons ſhall, by Order in Writing, ſigned by his or their proper Hand, direct the Payment of any Sum or Sums of Money, in the Hands or Poſſeſſion of any other Perſon or Perſons, to the Bearer, or any Perſon or Perſons whatſoever, the Money therein ſpecified, ſhall, by Virtue thereof, be due and payable to ſuch Perſon or Perſons to whom the ſame is drawn payable, and may be put in Suit againſt the Perſon or Perſons who ſhall draw the ſame, or againſt the Perſon or Perſons on whom the ſame ſhall be drawn, after Acceptance thereof by him or them to whom the ſame ſhall be made payable, and recover Damages.

Proviſo, to be firſt proteſted before Suit brought for Recovery.

V. *PROVIDED neverthelefs,* That no Perſon or Perſons whatſoever, ſhall proſecute any Suit againſt any Perſon or Perſons, who ſhall give ſuch Order, for the Money therein mentioned, before the ſame ſhall have firſt been proteſted for Non-Acceptance, and Notice given thereof to the Drawer, before ſuch Suit ſhall be brought; and if any Suit ſhall be brought on any ſuch Order before Notice, and Refuſal to pay as aforeſaid, the Plaintiff or Plaintifs ſhall be Non-Suit, and pay Coſts.

CHAP. X.

An Act, to amend an Act, intituled, An Act, for the Relief of poor Debtors, as to the Impriſonment of their Perſons; *paſſed the Fourteenth Day of* April, *in the Year of our Lord One Thouſand Seven Hundred and Forty-nine.*

Preamble.

I. WHEREAS by the before recited Act, the Court of the County where any ſuch Debtor is impriſoned on Meſne Proceſs, or Execution, or in the Vacation of ſuch Court, any Two Juſtices may, under the Rules and Directions therein mentioned, ſet at Liberty and diſcharge any ſuch poor Debtor that hath not the Value of Forty Shillings *Sterling* Money, in any worldly Subſtance; or that ſhall be minded to deliver up all his or her Effects to his or her Creditor on whoſe Suit any ſuch Debtor is impriſoned; the ſaid Creditor being firſt perſonally ſummoned to appear, to ſhew Cauſe, if any he or ſhe hath, why ſuch Debtor ſhall not have the Benefit of the ſaid Act; which Summons, ſome Times, cannot be ſerved, by Reaſon of ſuch Plaintiff or Creditor living or being out of the Province, which diſables ſuch poor Debtor from having the Relief intended by ſaid Act: For Remedy whereof,

Plaintiff's Attorney may be ſummoned.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That where any ſuch Plaintiff or Creditor lives or reſides out of this Province, or is ſo removed that a Summons cannot be ſerved on him or her, it ſhall and may be lawful for the Court from whence ſuch Proceſs iſſued, to ſummons the Attorney of ſuch Plaintiff or Creditor in the Room and Stead of ſuch Plaintiff or Creditor, to ſhew Cauſe, if any he hath, why ſuch Debtor ſhould not be ſet at Liberty and diſcharged agreeable to the before recited Act; which ſaid Summons ſhall be executed at leaſt Ten Days before the Sitting of the Court to which the ſame is made

made returnable; and after ſo ſummoning ſuch Attorney, the ſaid Court are hereby directed to ſet at Liberty and diſcharge ſuch poor Debtor agreeable to the before recited Act; any Thing herein contained to the contrary notwithſtanding. A. D. 1762.

CHAP. XI.

An Act, to amend and further continue an Act, intituled, An Act, for facilitating the Navigation of Port *Bath,* Port *Roanoke, and* Port *Beaufort, paſſed the Thirty Firſt Day of* May, *One Thouſand Seven Hundred and Fifty-Two, for Five Years.*

Expired

Preamble.

I. WHEREAS the aforeſaid Act having been found very beneficial to the Trade and Commerce of this Province, had continued, by one other Act paſſed the Sixteenth Day of *May*, One Thouſand Seven Hundred and Fifty-ſeven, for Five Years longer, and to the End of the next Seſſion; which ſaid Five Years is now expired; and as the ſaid Act is ſtill found to be very neceſſary and of great Uſe to the Trade and Commerce as aforeſaid, in every Reſpect, excepting the Taxes laid on Veſſels coming over *Occacock* Bar, for putting up Beacons, ſtaking and marking out the ſeveral Swatches and Channels therein mentioned; which Taxes are found too high and burthenſome, as ſome of ſaid Swatches and Channels are found unſerviceable and unneceſſary to ſtake out:

Act continued.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the before recited Act, intituled, *An Act, for facilitating the Navigation of Port*-Bath, *Port*-Roanoke, *and Port*-Beaufort, excepting ſuch Part thereof as relate to the Taxes laid on Veſſels coming over *Occacock* Bar, be, and is hereby continued for the Term of One Year, from and after the paſſing of this Act, and to the End of the next Seſſion of Aſſembly, and no longer; and in the Room and Stead of the Taxes laid in the before recited Act on all Veſſels coming into this Province over *Occacock* Bar, the following Taxes ſhall, by every ſuch Veſſel, be paid, and no more; that is to ſay,

And Taxes on Veſſels, ſettled.

EVERY Veſſel of Fifty Tons Burthen, or under, Six Shillings.

EVERY Veſſel above Fifty Tons, and under One Hundred Tons, Twelve Shillings.

AND every Veſſel above One Hundred Tons, Twenty Shillings.

FOR ſetting up Beacons, ſtaking out the Swatch, Royal-Shoal, and Brant-Iſland Shoal; and for ſtaking out *Pamplico* and *Matchapungo* Rivers, the Channels leading thereto, and the ſeveral navigable Creeks therein, every Veſſel going to either ſaid Rivers or Creeks, and Entering into the ſaid Port of *Bath*, ſhall pay Six Shillings, towards ſtaking out the ſame.

AND for ſtaking out *Neuſe* and *South* Rivers, the Channels leading thereto, and the ſeveral navigable Creeks therein, every Veſſel going to either ſaid Rivers or Creeks, and Entering in Port *Beaufort*, ſhall pay Six Shillings, towards ſtaking out the ſame: Any Thing in the before recited Act to the contrary notwithſtanding.

A. D. 1762.

CHAP. XII.

An Act, for dividing the County of Anſon, *and other Purpoſes.*

Private.

I. WHEREAS by Reaſon of the large Extent of the County of *Anſon*, it is greatly inconvenient for the Inhabitants to attend the Court of the aforeſaid County, General Muſters, and other Public Duties by Law required:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and it is hereby Enacted, by the Authority of the ſame*, That from and after the Firſt Day of *February*, the ſaid County of *Anſon* ſhall be, and is hereby divided into Two diſtinct Counties, by a Line beginning at Lord *Carteret*'s Line, Six Miles *North-Eaſt* from Captain *Charles Hart*'s Plantation on *Buffelo* Creek, and to run from thence to the Mouth of *Clear* Creek, which empties itſelf in *Rockey* River, below Captain *Adam Alexander*'s; and from thence, due *South*, to the Bounds of the Province of *South-Carolina*: And that all that Part of ſaid County which lies to the *Eaſtward* of ſaid Dividing Line, ſhall be a diſtinct County, and remain and be called by the Name of *Anſon* County; and that all that Part of the ſaid County lying to the *Weſtward* of ſaid Dividing Line, ſhall be, thenceforth, one other diſtinct County, and called by the Name of *Mecklenberg*.

III. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſaid Firſt Day of *February* next, a Court for the ſaid County of *Anſon* ſhall be conſtantly held by the Juſtices thereof, at ſuch Place as ſhall be laid off and agreed upon by the Commiſſioners herein after mentioned, for directing and agreeing with Workmen, for building the Public Buildings for the ſaid County of *Anſon*, or the Majority of them, upon the Days and Times by Law appointed for that Purpoſe: And alſo, that a Court for the ſaid County of *Mecklenberg*, ſhall be conſtantly held by the Juſtices thereof, at ſuch Place as ſhall be laid off and agreed upon by the Commiſſioners herein after named, for the directing and agreeing with Workmen for building the Public Buildings for the ſaid County of *Mecklenberg*, upon the Third *Tueſdays* in *January*, *April*, *July* and *October*, in every Year, as by the Laws of this Province is, or ſhall be provided, and by Commiſſion, ſhall be directed, to the Juſtices of the ſaid Counties, reſpectively.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Sheriff of the ſaid County of *Anſon*, as it now ſtands undivided, to make Diſtreſs for any Levies, Fees, or other Duties, that ſhall be due from the Inhabitants of the ſaid County on the ſaid Firſt Day of *February*, in the ſame Manner as he could or might have done by Law if the ſaid County had remained undivided; and the ſaid Levies, Fees, and other Duties, ſhall be accounted for, in the ſame Manner as if this Act had never been made; any Thing herein contained to the contrary notwithſtanding.

V. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed or taken, to alter or derogate, from the Right and Royal Prerogative of his Majeſty, his Heirs or Succeſſors, of granting Letters of Incorporation to the ſaid

ſaid County of *Mecklenberg*, and of ordering, appointing, and directing the Election of Members to repreſent the ſame in Aſſembly, and granting Markets and Fairs to be kept and held in the ſaid Counties, reſpectively; but that the ſaid Right and Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his ſaid Majeſty, his Heirs and Succeſſors, in as full and ample Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made. *A. D.* 1761.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That one Act of Aſſembly, made and paſſed in the Year of our Lord One Thouſand Seven Hundred and Fifty-ſix, intituled, *An Act, for eſtabliſhing Public Roads and Ferries, and for the better Regulation of the ſame in the ſeveral Counties*; and all the Powers and Authorities therein, and every Clauſe and Article thereof, ſhall extend to the ſaid County of *Mecklenberg*, and be in as full Force within the ſame, to all Intents and Purpoſes, as if the ſaid County had been particularly named in the ſaid Act.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That *Anthony Hutchins*, *Stephen Jackſon*, *Walter Gibſon*, *James Hutchins*, and *Samuel French*, the Survivors or Survivor of them, be, and are hereby appointed Commiſſioners, and impowered and directed to agree and contract with Workmen for erecting and building a Court-Houſe, Priſon and Stocks, for the Uſe of the ſaid County of *Anſon*: And that *Robert Harris*, Sen. *Robert McClannahan*, *Richard Berry*, *Nathaniel Alexander*, *Abraham Alexander*, *John Frohock*, and *Thomas Polk*, the Survivors or Survivor of them, be, and are hereby appointed Commiſſioners, and impowered and directed to agree and contract with Workmen, for erecting and building a Court-Houſe, Priſon, Pilory and Stocks, for the Uſe of the ſaid County of *Mecklenberg*.

VIII. AND for reimburſing the ſaid Commiſſioners the Money they ſhall expend in erecting the ſaid Buildings; *Be it further Enacted, by the Authority aforeſaid*, That a Poll-Tax of Three Shillings, Proclamation Money, *per Annum*, ſhall be levied on each Taxable Perſon in the ſaid Counties, reſpectively, for Two Years next after the Firſt Day of *February* next; and that all Perſons in either of the ſaid Counties, who ſhall neglect to pay the ſaid Tax till after the Tenth Day of *March*, in each Year, ſhall thereafter be liable to the ſame Diſtreſs as for Non-Payment of Public Taxes; and the Sheriff of each of the ſaid Counties is hereby required and directed, on or before the Tenth Day of *June*, in the ſaid Years, reſpectively, to account for, and pay the Money ſo by him to be collected, to the Commiſſioners aforeſaid, after deducting Six *per Cent.* for his Trouble in collecting the ſame; that is to ſay, ſo much thereof, as ſhall be levied on the Taxable Perſons of the County of *Anſon*, to the aforeſaid *Anthony Hutchins*, *Stephen Jackſon*, *Walter Gibſon*, *James Hutchins*, and *Samuel French*, the Survivors or Survivor of them; and ſuch Part of the ſame as ſhall be levied on the Taxable Perſons in the County of *Mecklenberg*, to the aforeſaid *Robert Harris*, Sen. *Robert McClannahan*, *Richard Berry*, *Nathaniel Alexander*, *Abraham Alexander*, *John Frohock*, and *Thomas Polk*, the Survivors or Survivor of them; and in Caſe of Failure or Neglect therein by the Sheriff, he ſhall be liable to the ſame Penalties, Reſtrictions, Proceſs and Remedy, for enforcing the Payment thereof, as by Law may be had againſt Sheriffs who neglect or refuſe to account for and pay Public Taxes.

IX. *PRO-*

A. D. 1762. IX. *PROVIDED neverthelefs*, That if the Money ſo to be collected ſhall be more than ſufficient to anſwer the Purpoſes aforeſaid, the ſaid Commiſſioners, reſpectively, ſhall account for, and pay the Overplus thereof to the Juſtices of the Court of the County for which they are hereby appointed Commiſſioners; to be applied towards defraying the contingent Charges of ſuch County.

X. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff of the County of *Anſon*, for the Time being, after the ſaid Tenth Day of *June*, ſhall account with, and pay to the Public Treaſurer of the *Southern* Diſtrict of this Province, all Public Taxes by him collected, under the like Rules and Reſtrictions, Pains, Penalties, Proceſs and Remedy, as other Sheriſs are by Law ſubject to in like Caſes.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That all Cauſes, Pleas, Writs, Actions, Suits, Plaints, Proceſs, Precepts, Recognizances, and other Matters and Things in the ſaid Court of *Anſon* depending, from and immediately after the Firſt Day of *February* aforeſaid, ſhall ſtand adjourned and continued from the preſent Court-Houſe of the ſaid County to ſuch Place as the Commiſſioners, or the Majority of them for the County of *Anſon* aforeſaid, ſhall ſo appoint, lay off, and agree upon; and all Appearances and Returns of Proceſs ſhall be made on the Day by Law appointed for holding the ſaid Court, to the Fourth *Tueſday* in *April* next; and all Suitors and Witneſſes bound to appear thereat, in the ſame Manner as if the ſaid Court had not been removed from the preſent Court-Houſe; and all ſubſequent Proceſs which ſhall or may iſſue on any Action already commenced and not determined in the ſaid Court of *Anſon*, ſhall be directed to, and executed by the Sheriff of *Anſon* County, to the final Determination of ſuch Cauſes; any Law, Uſage, or Cuſtom to the contrary, notwithſtanding.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſaid Firſt Day of *February*, the County of *Mecklenberg* ſhall be continued and remain Part of the Diſtrict of the Superior Court of Juſtice for the Diſtrict of *Saliſbury*; and the Juſtices of the ſaid Inferior Court of *Mecklenberg* ſhall, and they are hereby directed, before every Superior Court held for the Diſtrict aforeſaid, to nominate and appoint Eleven Freeholders to ſerve as Grand and Petit Jurors at ſuch Superior Court: A Liſt of which Jurors ſo nominated, ſhall be delivered by the Clerk of ſuch Court to the Sheriff; who ſhall, and is hereby required, to ſummon the Perſons ſo nominated to ſerve as Jurymen at the ſaid Superior Court; which Jurymen ſo nominated, ſhall have and receive the ſame Allowance, and ſhall be under the ſame Rules, Fines and Reſtrictions, as other Jurymen are in the reſpective Counties of this Province.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Inferior Court of Pleas and Quarter Seſſions of the Counties of *Rowan* and *Anſon*, for the future, to nominate and appoint the following Number of Freeholders, to ſerve as Grand and Petit Jurors, at the Diſtrict of *Saliſbury* aforeſaid; that is to ſay, *Rowan* Eighteen, and *Anſon* Seven; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

CHAP.

A. D. 1762.

CHAP. XIII.

An Act, for eſtabliſhing a Town on the Land of William Herritage, *at a Place called* Atkins's *Banks, in* Dobbs *County.*

Private.

I. WHEREAS it has been repreſented to this Aſſembly, that the Land of *William Herritage*, lying on the *North* Side of *Neuſe* River, at a Place called *Atkins*'s Banks, in *Dobbs* County, is a pleaſant and healthy Situation, and commodious for Trade and Commerce; and the ſaid *William Herritage* having acknowledged his free Conſent to have One Hundred Acres of the ſaid Land laid off for a Town, and Fifty Acres for a Town Common, which will greatly promote the Trade of the ſaid River:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Directors or Truſtees herein after appointed, or a Majority of them, ſhall, ſo ſoon as may be, after the paſſing of this Act, cauſe the ſaid One Hundred Acres of Land to be laid off in Lots of half an Acre each, with convenient Streets, Lanes and Allies, reſerving One Acre and a Half of the ſaid Land whereon the Chappel and Public Warehouſe now ſtands, for their reſpective Uſes; which Land ſo laid off, according to the Directions of this Act, is hereby conſtituted, erected, and eſtabliſhed a Town, and ſhall be called by the Name of *Kingſton.*

III. *AND be it further Enacted, by the Authority aforeſaid,* That from and after the paſſing of this Act, *Francis McLewean*, *Richard Caſwell*, *Simon Bright*, Jun. *John Shine*, and *David Gordon*, be, and they, and every of them, are hereby conſtituted Directors and Truſtees, for deſigning, building, and carrying on the ſaid Town; and they ſhall ſtand ſeized of an indefeaſible Eſtate, in Fee, of the ſaid One Hundred and Fifty Acres of Land, to and for the Uſes, Intents and Purpoſes, hereby expreſſed and declared; and they, or any Three of them, ſhall have Power and Authority to meet, as often as they ſhall think neceſſary, and cauſe a Plan thereof to be made; and therein to inſert a Mark or Number to each Lot: And as ſoon as the ſaid Town ſhall be laid off as aforeſaid, they, and each of them, ſhall have Power to take Subſcriptions for the ſaid Lots, of ſuch Perſons as are willing to ſubſcribe for them: And when the ſaid Directors have taken Subſcriptions for Fifty Lots, or upwards, they ſhall appoint a Day, and give Public Notice to the Subſcribers of the Day appointed for the Drawing of the ſaid Lots; which ſhall be done by Ballot, in a fair and open Manner, by the Directions, and in the Preſence, of the Majority of the ſaid Directors, at leaſt; and ſuch Subſcriber ſhall be intitled to the Lot or Lots which ſhall happen to be drawn for him, and correſpond with the Mark or Number contained in the Plan of the ſaid Town; and the ſaid Directors, or a Majority of them, ſhall make and execute Deeds for granting and conveying the ſaid One Hundred Acres of Land, in Half Acres, as aforeſaid, to the Subſcribers, their Heirs and Aſſigns, for ever, under the Rules, Reſtrictions and Proviſo's, hereafter mentioned; and alſo, to every other Perſon who ſhall purchaſe any other Lot or Lots in the ſaid Town, at the Coſt and Charges of the Gran-

A. D. 1762. tee to whom the ſaid Lot or Lots ſhall be conveyed; and every Perſon claiming any Lot or Lots by Virtue of any ſuch Conveyance, ſhall and may hold and enjoy the ſame, in Fee-ſimple.

IV. *PROVIDED neverthelefs*, That every Grantee of any Lot or Lots in the ſaid Town ſo conveyed, ſhall, within Three Years next after the Date of the Conveyance for the ſame, erect, build and finiſh, on each Lot ſo conveyed, one well Framed or Brick Houſe, Sixteen Feet ſquare at the leaſt, and Nine Feet Pitch in the Clear, with a Brick or Stone Chimney, or proportionable to ſuch Dimenſions if ſuch Grantee ſhall have Two or more Lots contiguous; and if the Owner of any Lot or Lots ſhall fail to comply with the Directions in this Act preſcribed for building and finiſhing a Houſe thereon; ſuch Lot or Lots upon which a Houſe ſhall not be built and finiſhed as aforeſaid, ſhall be fre for any other Perſon or Perſons to take up, in the ſame Manner, and under the like Rules and Reſtrictions, as other Lots are directed to be granted to any other Perſon or Perſons after the Subſcription Lots are drawn for: And in Caſe any Perſon, Owner of a ſaved Lot or Lots in the ſaid Town, ſhall die without Heir, or legally diſpoſing thereof, then, and in ſuch Caſe, ſuch Lot or Lots ſhall revert and come to the ſaid *William Herritage*, his Heirs and Aſſigns; any Thing in this Act contained to the contrary notwithſtanding.

V. *AND be it further Enacted, by the Authority aforeſaid*, That each reſpective Subſcriber who ſhall ſubſcribe for any Lot or Lots in the ſaid Town, ſhall within one Month after it ſhall be aſcertained to whom each of the ſaid Lots doth belong, in Manner herein before mentioned, pay and ſatisfy to the Treaſurer of the ſaid Town, Forty-five Shillings Proclamation Money, for each Lot by him ſubſcribed for: And in Caſe of the Refuſal or Neglect of any Subſcriber to pay the ſaid Sum, the Treaſurer ſhall and may commence and proſecute a Suit in his own Name, for the ſame, and therein ſhall recover Judgment, with Coſts of Suit: And the ſaid Treaſurer ſhall, as ſoon as he receives the ſaid Money, pay and ſatisfy to the ſaid *William Herritage*, his Executors, Adminiſtrators or Aſſigns, the Sum of Forty Shillings, Proclamation Money, for each Lot, in full Satisfaction for the ſaid Land; and the other Five Shillings ſhall be applied towards defraying the Expences of laying off and improving the ſaid Town as a Majority of the Directors ſhall think neceſſary.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That *Francis Macklewean* be, and is hereby appointed Treaſurer of the ſaid Town; who ſhall enter into Bond, with ſufficient Security, to the Juſtices of the Inferior Court of the ſaid County of *Dobbs* in the Penal Sum of Three Hundred Pounds, that he will well and truly account with, and pay the Monies he ſhall receive in Virtue of his Office, to ſuch Perſon and Perſons as by this Act he is directed: And on the Death or Removal out of the County of the ſaid Treaſurer, the Remaining Directors, or any Three of them, by Certificate under their Hands and Seals, ſhall nominate and appoint one other of the ſaid Directors to be Treaſurer of the ſaid Town; and ſo in like Manner, from Time to Time, as often as the ſaid Office ſhall become vacant as aforeſaid; and ſuch Treaſurer or Treaſurers ſhall enter into Bond, with Security in the ſame Manner as the Treaſurer by this Act appointed.

VII. AND

A. D. 1762.

VII. AND for continuing the Succeſſion of the ſaid Directors until the ſaid Town ſhall be incorporated; *Be it further Enacted, by the Authority aforeſaid*, That in Caſe of the Death, Refuſal to act, or Removal out of the County, of any of the ſaid Directors, the remaining Directors, or the Majority of them, ſhall aſſemble, and are hereby impowered, from Time to Time, by Inſtrument in Writing, under their Hands and Seals, to nominate ſome other Perſon, being a Freeholder in the ſaid Town, in the Place of him ſo dying, refuſing to act, or removing out of the County; which new Director ſo nominated and appointed, ſhall from thenceforth, have the like Power and Authority, in all Things in the Matters herein contained, as if he had been expreſsly named and appointed in and by this Act.

CHAP. XIV.

An Act, for eſtabliſhing a Town on the Lands of John *and* William Ruſſel, *Minors, Sons of* John Ruſſel, *deceaſed, on the* Weſt *Side of the* North-Weſt *Branch of* Cape-Fear *River, near the Mouth of* Croſs-Creek, *by the Name of* Campbellton, *and other Purpoſes.*

Private.

I. WHEREAS the Eſtabliſhing a Town on the Lands of *John* and *William Ruſſell*, Minors, Sons of *John Ruſſell*, deceaſed, on the *Weſt* Side of the *North-Weſt* Branch of *Cape-Fear* River, near the Mouth of *Croſs-Creek*, will greatly encourage honeſt and able Traders to reſide therein; by Means whereof, the Trade of the Counties of *Anſon* and *Rowan*, which at preſent centers in *Charles-Town* in *South-Carolina*, to the great Prejudice of this Province, will be drawn down to the ſaid Town: And whereas, the erecting a Town on the ſaid Lands will be of great Benefit and Advantage to the ſaid Minors, in as much as the Lands adjoining thereto will become of much greater Value; Therefore,

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Honourable *John Sampſon*, Eſq; *Cornelius Harnett*, *Maurice Moore*, *Hugh Waddle*, *William Dry*, *Hector McNeil*, *Walter Gibſon*, *Alexander McAliſter*, *Richard Lyon*, *William Bartram*, and *John Wilcocks*, Eſquires, are hereby appointed Commiſſioners, and are veſted with full Power and Authority, to lay off One Hundred Acres of Land; Part of a Tract of Six Hundred and Forty Acres, belonging to *John* and *William Ruſſell*, Minors, Sons of *John Ruſſell*, deceaſed, ſituate on the *Weſt* Side of the *North-Weſt* Branch of *Cape-Fear* River, below the Mouth of *Croſs-Creek*, for a Town, by the Name of *Campbellton*: And the ſaid Commiſſioners, or the Majority of them, are hereby directed and impowered, to lay out the ſaid One Hundred Acres of Land, as ſoon as conveniently may be, after the paſſing of this Act, into Lots of Half an Acre each, with convenient Streets, and a Square, for Public Buildings.

III. *AND be it further Enacted, by the Authority aforeſaid*, That when the Commiſſioners, or the major Part of them, have laid out the ſaid Town into Lots and Streets as aforeſaid, which Lots being regularly numbered, and Subſcriptions taken for Fifty Lots, or upwards, they ſhall appoint a Day for drawing the ſaid Lots,

A.° D. 1762. Lots, and give Public Notice thereof, at leaſt Three Months before drawing the ſame, which ſhall be by Ballot, in a fair and open Manner, in their Preſence; and the Subſcriber ſhall be intitled to the Lot which ſhall happen to be drawn for him and correſpond with the Number contained in the Plan of the ſaid Town; which Lot or Lots, the Commiſſioners before appointed, or the Majority of them, are hereby impowered to grant, convey, and acknowledge, to the Perſon or Perſons ſo drawing the ſame, and his Heirs and Aſſigns, for ever, in Fee-ſimple, upon the Payment of Three Pounds, Proclamation Money, to the Treaſurer herein after named.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That *Richard Lyon*, Eſq; be, and is hereby appointed Treaſurer and Receiver of all ſuch Sum and Sums of Money which ſhall ariſe by the Sale of the ſaid Lots, for the Uſes hereafter mentioned: And on the Death, or Departure out of the Government of the ſaid Treaſurer, the ſaid Commiſſioners, or the major Part of them, ſhall appoint ſome other Perſon Treaſurer, in the Place of the ſaid Treaſurer.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Treaſurer herein appointed, and every Treaſurer that ſhall or may be hereafter appointed by the Commiſſioners as aforeſaid, ſhall give Security to the Inferior Court of the County, in the Sum of One Thouſand Pounds, Proclamation Money, that he ſhall and will account with, and pay in all the Monies he ſhall receive by the Sale of all and every the Lot and Lots that ſhall be ſold, Yearly, on the Firſt Day of *January*, into the Hands of the Guardian or Guardians of the ſaid Minors *John* and *William Ruſſell*, for the ſole Uſe and Benefit of them the ſaid Minors.

VI. *PROVIDED always*, That if any Lot or Lots ſhall be granted and conveyed by the ſaid Commiſſioners, to any Perſon or Perſons whatſoever, who ſhall not, within Three Years, build a good ſubſtantial habitable framed Houſe, not of leſs Dimenſions than Twenty Feet of Length, and Sixteen Feet wide, excluſive of Sheds, or make ſuch Preparation for ſo doing, as the Commiſſioners, or the major Part of them ſhall, on View, think reaſonable; ſuch Grant or Conveyance ſhall be void, and it is hereby declared void and of none Effect, as if the ſame had never been made: And the Commiſſioners may grant and convey ſuch Lot or Lots which ſhall not be built on within the Time, and in the Manner as is herein before directed, to any other Perſon or Perſons applying for the ſame, and paying the Money for the ſaid Lot as in this Act is before directed, for the Uſe of the ſaid Minors *John* and *William Ruſſell*.

VII. AND whereas Part of the ſaid One Hundred Acres of Land, whereon the ſaid Town of *Campbellton* is hereby intended to be built, is in *Bladen* County; and the Inhabitants of *Cumberland* County have petitioned, that ſuch Part thereof may be added to *Cumberland*, and that the Court-houſe, Priſon and Stocks, be removed to, and erected in the ſaid Town; *Be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That ſo much of the ſaid Land, being in *Bladen* County, as ſhall be judged neceſſary for eſtabliſhing the ſaid Town, by the Commiſſioners herein before appointed, or the Majority of them, (provided the ſame do not exceed

exceed One Hundred Acres of Land,) is hereby annexed to, and declared to be Part of *Cumberland* County; any Law, Uſage, or Cuſtom, to the contrary in anywiſe notwithſtanding. A. D. 1762.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners herein before appointed, or the Majority of them, are hereby impowered and directed, to run an *Eaſt* Line down to the River; begining at the Dividing Line between *Cumberland*, and *Bladen*, Two Hundred Poles below the Mouth of *Croſs-Creek*; which Line being ſo run, as above directed, ſhall be henceforth taken and deemed to be the Dividing Line between the Counties of *Cumberland* and *Bladen*; any Law, or Uſage, to the contrary notwithſtanding.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the ſaid County of *Cumberland*, are hereby impowered and directed, to lay a Yearly Tax, not exceeding One Shilling, Proclamation Money, for Two Years; commencing the Firſt Day of *January* next, to be paid and collected as other Public Taxes are, and to be applied towards building a Court-Houſe, Priſon, and Stocks.

X. *AND be it further Enacted, by the Authority aforeſaid*, That as ſoon as ſuch Court-Houſe and Priſon ſhall be built, that then the Courts of the ſaid County of *Cumberland*, ſhall be held in the ſaid Town, and at no other Place whatſoever; and all Matters and Suits therein depending and undetermined, in the Court of the ſaid County of *Cumberland*, ſhall ſtand adjourned to the Court to be held at the ſaid Town of *Campbellton*.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Juſtices may make Uſe of the old Court-houſe and Priſon, for the Uſe of the ſaid Court-houſe and Goal, to be built in the ſaid Town as aforeſaid, or by ſelling the ſame, and applying the Money ariſing by ſuch Sale, towards erecting the ſaid Buildings in the ſaid Town.

CHAP. XV.

An Act, to lay a Tax on the Inhabitants of the ſeveral Counties of the Diſtrict of Halifax *Superior Court, to repair the Public Priſon thereof, and other Purpoſes.*

Private.

I. WHEREAS the Public Priſon of *Halifax* Diſtrict, has, by Experience, been found to be inſufficient for the Safe keeping of Priſoners committed to the ſame; For Remedy whereof,

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That a Poll-Tax of Eight-Pence, Proclamation Money, be, and is hereby laid on each Taxable Perſon within the County of *Halifax*; and a Poll-Tax of Four Pence, Proclamation Money, on each Taxable Perſon within the Counties

A. D. 1762. of *Northampton*, *Edgcomb*, *Granville*, and *Johnſton*, for the enſuing Year; which ſaid Tax ſhall be paid, collected, and diſtrained for by the Sheriff of each County reſpectively, in the ſame Manner, and under the like Rules, Fines, Forfeitures, and Penalties, as other Taxes are by Law to be collected, paid, and diſtrained for; and ſuch Tax, when ſo collected by the ſaid Sherifs, ſhall be paid into the Hands of the Hon. *Alexander McCulloh*, Eſq; *John Bradford*, and *Blake Baker*, Eſqrs. or the Majority of them, on or before the Tenth Day of *January*, which ſhall be in the Year of our Lord One Thouſand Seven Hundred and Sixty-four; who are hereby impowered and directed, or a Majority of them, to agree with Workmen for repairing the Priſon, in the Town of *Halifax*, erecting a Wall round the ſame, and building a Jailer's Houſe thereto, in ſuch Manner as the ſaid Commiſſioners, or the Majority of them, ſhall think moſt proper: And the Money to be collected and paid, ſhall, by the ſaid Commiſſioners, or the Majority of them, be applied towards paying ſuch Workmen as aforeſaid; and the Overplus, if any, ſhall by them be diſpoſed of towards defraying the Public Charges of the Diſtrict of *Halifax* Superior Court.

III. *AND be it further Enacted, by the Authority aforeſaid*, That if any, or either of the ſaid Sherifs aforementioned, ſhall fail or neglect to pay the Money to be collected by Virtue of this Act, into the Hands of the ſaid Commiſſioners, or the Majority of them, on or before the ſaid Tenth Day of *January*, it ſhall and may be lawful, and the aforeſaid Commiſſioners, or the Majority of them, are hereby required, to proceed againſt ſuch Sheriff ſo neglecting, in the Superior Court of *Halifax* Diſtrict, or either of the Superior Courts within this Province, in the like Manner as Sherifs are to be proceeded againſt in other Caſes for Non-Payment of Public Monies which they ſhall have received.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That after ſuch Buildings and Repairs ſhall be made as aforeſaid, when any Perſon or Perſons, within the Diſtrict of *Halifax* Superior Court, ſhall be apprehended for any Criminal Offence, that on a Conviction thereof, would incur the Loſs of Life or Member, it ſhall and may be lawful for the Inferior Court, or Juſtice of the Peace, as the Caſe may be, before whom an Examination of ſuch Criminal ſhall be had, if ſuch Court or Juſtice ſhall think it neceſſary, to commit ſuch Criminal to the aforeſaid Goal; and the Sheriff of the County wherein ſuch Criminal ſhall be, is hereby directed and ordered to convey ſuch Criminal to the ſaid Jail, and deliver him or them to the Sheriff, or Keeper thereof; and take a Receipt for ſuch Priſoner or Priſoners from the ſaid Sheriff, or Keeper; which ſhall be his Diſcharge for ſuch Criminal or Criminals.

V. *AND be it further Enacted, by the Authority aforeſaid*, That after ſuch Buildings and Repairs ſhall be made as aforeſaid, the Sheriff of the County of *Halifax*, for the Time being, is hereby required and directed, when any Criminal ſhall be committed to the ſaid Jail, to employ ſome Perſon of Integrity to be Keeper thereof; who ſhall conſtantly reſide in the ſaid Jailer's Houſe during the Time ſuch Criminal ſhall be in Jail; and ſhall alſo take all lawful Means for preventing ſuch Criminal from eſcaping.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That all incident Charges

Charges attending the Commitment and Keeping ſuch Criminal or Criminals, ſhall, if ſuch Criminal or Criminals have not ſufficient Eſtate to ſatisfy the ſame, be paid by the Public. A. D. 1762.

CHAP. XVI.

An Act, to impower Thomas Bonner, Jun. *late Sheriff, to receive and collect the Arrears of Taxes due in the Counties of* Beaufort *and* Pitt, *for the Year One Thouſand Seven Hundred and Sixty.*

Private.

I. WHEREAS no Liſt of Taxables was taken for the Year One Thouſand Seven Hundred and Sixty, in the County of *Beaufort*, which then included *Pitt* County, many of the Inhabitants of the ſaid Counties have neglected to pay the reſpective Taxes by Law impoſed for that Year; and *Thomas Bonner*, the Younger, then Sheriff of ſaid County, not being enabled to make Diſtreſs for the ſame for Want of ſuch Liſt;

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, the ſaid *Thomas Bonner*, Jun. late Sheriff, ſhall have full Power and Authority, by himſelf, or Deputies, to receive and collect the Arrear of the Taxes due for the Year One Thouſand Seven Hundred and Sixty, in the Counties of *Beaufort* and *Pitt*, in the ſame Manner and Form as Sheriffs by Law are directed; and that the ſaid *Thomas Bonner*, Jun. late Sheriff, be intitled to the ſame Fees for receiving and collecting, as are by Law allowed to Sheriffs for that Purpoſe.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid *Thomas Bonner*, Jun. late Sheriff, do collect and receive the ſaid Taxes by the Liſt for the Year One Thouſand Seven Hundred and Fifty Nine; which ſaid Liſt ſhall be taken and deemed as the Liſt for the Year One Thouſand Seven Hundred and Sixty.

IV. *PROVIDED neverthelefs*, That if any Perſon ſhall not have had ſo many Taxable Perſons in the Year One Thouſand Seven Hundred and Sixty, as he had in the Year One Thouſand Seven Hundred and Fifty Nine, it ſhall and may be lawful for ſuch Perſon to make Oath before ſome Juſtice of the Peace, to the exact Number of Taxable Perſons in his Family for the Year One Thouſand Seven Hundred and Sixty, and obtain a Certificate of the ſame from ſuch Juſtice; which being produced to the ſaid *Thomas Bonner*, he ſhall not demand or receive for more than is in the ſaid Certificate mentioned.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid *Thomas Bonner*, late Sheriff as aforeſaid, ſhall, within Two Months after the paſſing of this Act, give Public Notice, by advertiſing the ſame at the Court-houſe and ſeveral Chappels within the Counties of *Beaufort* and *Pitt*, of the Times and Places he ſhall attend to receive the ſame, at leaſt one Month before he ſhall make Diſtreſs for the ſame; and all Perſons paying the ſame on or before the Time appointed by ſuch Notice, ſhall not be liable to any further Coſt or Charge.

VII. *AND*

A. D 1762.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That if any Perſon or Perſons ſhall fail to pay the ſaid Taxes agreeable to this Act, it ſhall and may be lawful for the ſaid *Thomas Bonner*, late Sheriff, to make Diſtreſs for the ſame, in the ſame Manner as by Law appointed for Sheriffs to diſtrain; and ſhall take and receive the ſame Fees as is allowed in ſuch Caſes.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid *Thomas Bonner*, Jun. late Sheriff, ſhall account for the ſaid Taxes by him received in Virtue of this Act, on or before the Tenth Day of *June* next, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-three, by paying the ſaid Public Tax to the Treaſurer of the *Southern* Diſtrict of this Province; and pay and account with the then Churchwardens of St. *Thomas*'s Pariſh, in *Beaufort* County, for the Pariſh Tax, and pay the County Tax to the Court of *Beaufort* County, in the ſame Manner as Sheriffs are by Law directed to account in the like Caſes: And in Caſe of his Refuſal or Neglect to comply with the Directions of this Act, it ſhall and may be lawful to have ſuch Proceedings and Remedy againſt him the ſaid *Thomas Bonner*, as againſt Sheriffs in the like Caſes.

CHAP. XVII.

An Act, to eſtabliſh a Public Road from the Court-Houſe, in Currituck *County, acroſs the great Swamp to the Bridge on* North *River, near the* Indian *Town.*

Private.

I. WHEREAS for want of a Public Road from the Court-Houſe in the ſaid County to the *North* River Bridge, Perſons traveling between the ſaid Places are ſubject to great Inconvenienes: For Remedy whereof,

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That a Public Road to lead from the Court-Houſe in the County of *Currituck* acroſs the great Swamp to the *North* River Bridge near the *Indian* Town, be marked, ſtaked, and laid out, in the neareſt and moſt convenient Manner, over the great Swamp, for the Uſe of his Majeſty's Subjects, with the leaſt Injury to private Property that may be, by a Jury of the following Perſons, or a Majority of them, on Oath, *to wit*, *William Ferebee*, *Samuel Barnard*, *Jeremiah Mercer*, *William Snowden*, Jun. *Richard Stanley*, *Edom Simmons*, *Caleb Church*, *James Doſſen*, *William Moncrief*, *John Walker*, and *Aaricomb Parker*, in the Space of Six Months after the paſſing of this Act; and the ſaid Jury, or a Majority of them, after having marked, ſtaked, and laid out the ſame, ſhall, and are hereby ordered and directed, to make a due Plan thereof, and the ſame return, with an Account of their Proceedings, to the next Inferior Court of Pleas and Quarter Seſſions thereafter to be held for the ſaid County; and the Juſtices of the ſaid Court are hereby directed to receive the ſame; and are thereupon ordered and authoriſed to nominate and appoint one or more proper Perſon or Perſons to be Overſeer or Overſeers of the ſaid Road ſo laid out by the ſaid Jury, or the Majority of them; and ſhall direct a Warrant or Warrants to the Perſon or Perſons ſo nominated, commanding him or them to order

order a ſworn Conſtable to ſummon and warn ſuch of the Inhabitants, with their Servants and Slaves being contiguous, and near to the ſaid Road, (as are not exempted by Law from ſuch Service,) as ſhall be mentioned in the ſaid Warrant or Warrants, to clear and work on the ſaid Road; and alſo, by their Warrant or Warrants, enjoining and commanding the ſaid Overſeer or Overſeers to finiſh his or their Part or Parts, in the Space of Two Years, computing from the Date of his or their Warrant or Warrants; which ſaid Road ſhall, and is hereby directed, to be cleared, grubbed, cauſewayed, and Bridges made, where requiſite, in like Manner as Roads and Public High Ways are directed to be cleared, grubbed, cauſewayed, and Bridges made, by an Act, intituled, *An Act, for eſtabliſhing Public Roads and Ferries, and for the better Regulation of the ſame in ſeveral Counties.* A. D. 1762.

III. *AND be it further Enacted, by the Authority aforeſaid,* That if in the clearing, cauſewaying, or for the building of Bridges on the ſaid Road, any Timber or other Trees ſhall be cut down, and an Action of Treſpaſs ſhall be brought for the ſame, the Defendant or Defendants may plead the General Iſſue, in Barr of ſuch Action, and may give this Act in Evidence; whereupon the Plaintiff ſhall be Nonſuited, and pay Coſts.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That if the ſaid Overſeer or Overſeers ſhall refuſe or neglect to act, or ſhall not have accompliſhed and finiſhed his or their Parts in the Time mentioned as aforeſaid, the Perſon ſo neglecting or refuſing, ſhall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; to be recovered by Action of Debt, by any Perſon who ſhall ſue for the ſame; to be applied to the only proper Uſe and Advantage of the Plaintiff in ſuch Action; wherein no Eſſoin, Injunction, Protection, or Wager of Law, ſhall be allowed or admitted: And that if any Perſon, mentioned in the ſaid Warrant or Warrants, ſhall refuſe to appear himſelf, or to ſend his or her Servants and Slaves, or refuſe to work, or hinder his or her Servants or Slaves, from doing Duty when they appear; in ſuch Caſes, the ſaid Overſeer or Overſeers, upon making Complaint to a ſingle Magiſtrate, the ſaid Magiſtrate is hereby directed, to command the Perſon complained of, to be brought before him, or ſome other Juſtice of the Peace of the ſaid County, to anſwer the ſame: Which Juſtice, upon Examination into the Merits of the Matter, ſhall give Judgment, if the Defendant ſhall be found delinquent, that he or ſhe ſhall pay to the Overſeer complaining for each Perſon, Servant or Slave, found delinquent, the Sum of Two Shillings and Eight Pence, Proclamation Money, and thereupon ſhall give Judgment, and iſſue Execution for the ſame, with Coſts, or otherwiſe diſmiſs the ſaid Warrant.

V. *AND be it further Enacted, by the Authority aforeſaid,* That when the ſaid Road is finiſhed, the ſame ſhall be deemed, taken, and eſteemed a Public Road; and the Juſtices of the Inferior Court ſhall appoint one or more Diſtricts on the ſame; and that the ſaid Road ſhall be under the ſame Regulations, and the Overſeer or Overſeers, and the ſeveral Perſons appointed and ordered to overſee, or to work thereon, ſhall be ſubject to the ſeveral Fines and Penalties directed to be inflicted on Delinquents by the above recited Act.

A. D. 1762.

Expired

CHAP. XVIII.

An Act, for deſtroying Vermin in the Counties of Orange, *and other Counties therein mentioned*

Private.

I. WHEREAS the Counties of *Orange*, *Granville*, *Johnſton*, *Tyrrel*, and *Edgcomb*, are much infeſted with Wolves and other Vermin, to the great Prejudice of the Inhabitants of the ſaid Counties: For Remedy whereof,

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Perſon or Perſons who ſhall kill any of the Vermin herein after mentioned within any of the Counties aforeſaid, ſhall be intitled to a Claim upon the County where ſuch Vermin ſhall be killed for the ſeveral Rewards as follows; for every Panther, Ten Shillings, every Wolf, Ten Shillings; and every wild-Cat, Two Shillings and Eight Pence; to be paid as hereafter directed.

III. *AND be it further Enacted, by the Authority aforeſaid*, That any Perſon who ſhall have a Claim for killing any of the aforeſaid Vermin, are hereby directed to produce the Head or Scalp of the aforeſaid Vermin, with both Ears, before a Magiſtrate, who is to adminiſter an Oath to ſuch Perſon claiming the ſame, that it was taken and killed within the Bounds of ſuch County where the Claim is deſired to be paid; and if it be a Servant, Slave, or Indian, that ſhall kill any ſuch Vermin, of which the Head or Scalp ſhall be produced as aforeſaid, the Maſter or Owner of ſuch Servant or Slave, or he that makes Claim for ſuch Scalp or Scalps in Behalf of an Indian, ſhall make Oath before ſuch Magiſtrate that he verily believes the ſame was taken and killed within the County where the ſame is claimed; which Oath being adminiſtered to the Perſon who makes the Claim, the ſaid Magiſtrate is hereby directed to give the ſaid Perſon a Certificate for the ſame; which done, the ſaid Magiſtrate ſhall immediately cauſe the Head or Scalp to be deſtroyed, by burning the ſame.

IV. *AND be it Enacted, by the Authority aforeſaid*, That any Perſon or Perſons having a Certificate from any Magiſtrate within the County, for taking and killing any of the Vermin aforeſaid, ſhall, upon producing the ſame to the Sheriff of the County where ſuch Certificate was obtained, be intitled to, and the ſaid Sheriff is hereby directed and required to pay to ſuch Perſon or Perſons, the Sum or Sums due upon ſuch Certificate or Certificates; which ſeveral Sums ſo paid, ſhall be allowed to the Sheriff in his Settlement with the Court for the County Tax.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the ſeveral Inferior Courts of Pleas and Quarter Seſſions in the Counties aforeſaid, are hereby required, authoriſed, and impowered, to lay a Tax on the ſeveral Taxable Perſons within the reſpective Counties for diſcharging the ſaid Claims.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall continue and be in Force, for and during the Term of Two Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP.

A. D. 1762.

CHAP. XIX.

An Act, to enable the Commiſſioners of the Church of Edenton, *to diſcharge the Contract by them made with the Workmen employed in finiſhing the Inſide of the ſaid Church.*

Private.

I. WHEREAS by an Act, intituled, 'An Act, to enable the Commiſſioners herein after named, to finiſh the Church already begun at *Edenton*,' the ſaid Commiſſioners had, purſuant to the ſaid Act of Aſſembly, contracted with Workmen to finiſh the Inſide Work of the ſaid Church; but not having Money in their Hands to effect the ſame, did apply to the Aſſembly for Relief: And whereas, by a further Act, intituled, 'An Act, to enable the Commiſſioners of the Church of *Edenton*, to diſcharge the Contracts by them made concerning the finiſhing the ſame,' it was Enacted, that when the Pews in the ſaid Church ſhould be finiſhed, they ſhould be ſold agreeable to the laſt recited Act, and for the Purpoſes therein mentioned, whereupon the Commiſſioners did ſet up the ſaid Pews to Sale by Public Auction, ſeparately, (Reſervation being made as is by the ſaid recited Act reſerved;) which Sale the ſaid Commiſſioners deſiſted from, on the Diſcontent it gave to, and on the Remonſtrance of, the Pariſhoners of the ſaid Pariſh; whereupon, on the Petition of the Petitioners of the ſaid Pariſh, it is prayed it may be Enacted; And

II. *B E it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That a Tax of Two Shillings proclamation Money, for Three Years, be laid on each and every Taxable Perſon within the Pariſh of St. *Paul*'s, in the County of *Chowan*, to be levied for the Three enſuing Years, and collected by the Sheriff, for the Time being, under the like Penalties, and accounted for, to the Commiſſioners of the ſaid Church, as other Public and Pariſh Taxes are levied, collected, and accounted for, within this Province; and the ſaid Commiſſioners, or the Majority of them, are hereby authoriſed and directed, to pay out of the Money ſo levied, the ſeverel Workmen to whom the ſaid Commiſſioners are indebted on Account of the ſaid Church, and to no other Purpoſe whatſoever.

III. AND whereas, by the Failure of Profits ariſing by the Sale of the Pews in the ſaid Church, the Workmen employed by the Commiſſioners, are greatly delayed in receiving the Sum contracted for by the Commiſſioners; *Be it therefore Enacted by the Authority aforeſaid*, That the Commiſſioners, for finiſhing the ſaid Church, or a Majority of them, ſhall, and are hereby impowered, by Virtue of this Act, to borrow a Sum, not exceeding One Hundred Pounds, Proclamation Money, allowing lawful Intereſt for the ſame, to enable them to pay off the Workmen as ſoon as may be; which Sum, ſo to be borrowed as aforeſaid, ſhall be re-paid to the Party lending the ſame, out of the Money ariſing by Virtue of this Act.

CHAP.

A. D. 1762.

CHAP. XX.

An Act, for enlarging the Time allowed for ſaving Lots in the Town of Hertford, *and other Purpoſes.*

Private.

I. WHEREAS by one Act of Aſſembly paſſed in the Thirty Second Year of the Reign of his late Majeſty, intituled, An Act, for eſtabliſhing a Town on the Lands of *Jonathan Phelps*, in *Perquimans* County, among other Things, it is provided, that the Grantee of every Lot in the ſaid Town, ſhall, within Three Years after the obtaining a Conveyance for the ſame, erect and finiſh thereon, a Houſe, of the Dimenſions therein ſpecified; and on Failure thereof, every Lot whereon ſuch Houſe ſhall not be ſo erected, ſhall be reveſted in the Directors of the ſaid Town by the ſaid Act appointed; and whereas the Time limited by the ſaid Act has been found too ſhort to compleat the Buildings on the ſaid Lots, whereby many Perſons are now likely to forfeit the ſame:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Lot in the ſaid Town on which a Houſe ſhall be erected and built, of the Dimenſions mentioned in the ſaid Act, within the Space of Five Years, next after the paſſing of this Act; and alſo, every Lot therein, which ſhall hereafter be ſold or conveyed, on which ſuch Houſe ſhall be erected within the Space of Five Years after the Date of the Conveyance made for the ſame, ſhall be, and is hereby declared to be veſted in the Grantee thereof, in Fee-ſimple; any Thing to the contrary in the ſaid recited Act, notwithſtanding.

III. AND whereas ſuffering wooden Chimnies to be built in the ſaid Town, may occaſion Accidents by Fire; *Be it further Enacted, by the Authority aforeſaid*, that no Perſon whatſoever, ſhall hereafter erect any wooden Chimney in the ſaid Town; and every Perſon who hath already built any ſuch wooden Chimney therein, ſhall pull down the ſame within the Term of Five Years next after the paſſing of this Act; and if any Perſon or Perſons ſhall preſume to act contrary hereto in erecting any wooden Chimney in the ſaid Town, or in failing to pull down or remove within the Time aforementioned, any ſuch wooden Chimney by him already erected therein, the Directors mentioned in the before recited Act, or any Two of them, are hereby authoriſed, impowered and required, to pull down and deſtroy every ſuch Chimney, and ſhall not be liable to an Action, or Damage, for ſo doing; and if the Directors, or any of them, ſhall be ſued for the ſame, they may plead the General Iſſue, and give this Act in Evidence.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Directors, or any Three of them, ſhall and may, and are hereby authoriſed and impowered, to make and execute Deeds for granting and conveying to every Perſon and Perſons, who already have purchaſed, or hereafter ſhall purchaſe, any Lot or Lots in the ſaid Town; and every Perſon claiming any ſuch Lot or Lots by Virtue of any ſuch Conveyance, ſhall, and is hereby declared to have an indefeaſible Eſtate, in Fee-ſimple, in the ſame.

CHAP.

A. D. 1762.

CHAP. XXI.

An Act, for altering the Method of working on the Roads, and appointing Public Ferries within the Counties of Duplin, Cumberland, Rowan *and* Anſon.

Repealed

Private.

I. WHEREAS the preſent Method of working on the Roads, and appointing Public Ferries within the ſaid Counties of *Duplin*, *Cumberland*, *Rowan* and *Anſon*, is found inconvenient, and not ſo agreeable to the Inhabitants of the ſaid Counties as the Method preſcribed by an Act of Aſſembly paſſed at *Newbern* in the Year of our Lord One Thouſand Seven Hundred and Fifty Six, intituled, *An Act, for eſtabliſhing Public Roads and Ferries, and for the better Regulation of the ſame in ſeveral Counties*:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, the Method of working on Public Roads and appointing Public Ferries within the ſaid Countie of *Duplin*, *Cumberland*, *Rowan*, and *Anſon*, ſhall be in the ſame Manner, and under the ſame Regulations and Reſtrictions, as is directed for the ſeveral Counties mentioned in an Act of Aſſembly paſſed at *Newbern* in the Year of our Lord One Thouſand Seven Hundred and Fifty Six, intituled, *An Act, for eſtabliſhing Public Roads and Ferries, and for the better Regulation of the ſame in ſeveral Counties*; and that the ſaid Act, and every Clauſe and Article thereof, be of as full Force and Efficacy, to all Intents and Purpoſes, within the ſaid Counties of *Duplin*, *Cumberland*, *Rowan*, and *Anſon*, as it is in the ſeveral Counties particularly mentioned in the ſaid Act; any Act of Aſſembly to the contrary notwithſtanding.

III. *AND be it further Enacted, by the Authoritty aforeſaid*, That all and every Clauſe and Clauſes in one Act of Aſſembly made and paſſed in the Year of our Lord One Thouſand Seven Hundred and Forty Five, intituled, *An Act, for impowering the ſeveral Commiſſioners herein after named, to make, mend, and repair, all Roads, Bridges, Cuts, and Water-Courſes, already laid out, or hereafter to be laid out, in the ſeveral Counties and Diſtricts herein after appointed, in ſuch Manner as they judge moſt uſeful to the Public*, ſo far as relates to the ſaid Counties of *Duplin*, *Cumberland*, *Rowan*, and *Anſon*, is hereby repealed, and for the future, made void.

CHAP. XXII.

An Act, to apply the Money already levied on the Taxable Inhabitants of Currituck *County, by Virtue of an Act, intituled*, An Act, to amend and improve the Navigation from *Currituck* Inlet through the Diſtrict in *Currituck* County to *Albemarle* Sound.

I. WHEREAS by the above recited Act, a conſiderable Sum of Money has been levied on the Taxable Inhabitants of *Currituck* County, for the amending the Navigation of *Currituck* Inlet, that remains ſtill in the Hands of the

A. D. 1762. Commiſſioners appointed in the ſaid Act, which it is prayed may be applied towards the aleviating the Taxes of the Inhabitants of the ſaid County:

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Veſtry of *Currituck* Pariſh in the County of *Currituck*, ſhall have full Power and Authority, to aſk and demand of *Joſhua Campbell*, *John Woodhouſe*, and *William Mackey*, Commiſſioners in the ſaid Act mentioned, an Account of all the Sum or Sums of Money they the ſaid Commiſſioners may have received of the ſeveral Sheriffs of the ſaid County, and upon their faithfully accounting to receive the ſame: And the ſaid Veſtry are hereby further impowered, if the ſaid Commiſſioners ſhall refuſe or neglect to ſettle, account, and pay to them all ſuch Sum or Sums of Money they may have received in Manner as aforeſaid, or if the ſaid Veſtry ſhall have Cauſe to ſuſpect the ſaid Commiſſioners do tender a falſe Account, to put the Bond of the ſaid Commiſſioners entered into for the Performance of the Truſt repoſed in them, in Suit; and that all Sum or Sums of Money received of the ſaid Commiſſioners by Virtue of this Act, either by their accounting and paying, or by Force of an Execution or Executions, ſhall, by the ſaid Veſtry, be applied towards eaſing the Tax for purchaſing a Glebe, or building a Church in the ſaid County, and no other Purpoſes whatever.

III. *AND be it further Enacted, by the Authority aforeſaid,* That if any of the ſaid Commiſſioners ſhall now be, or ſhall hereafter be choſen and appointed Veſtrymen in the ſaid Pariſh, without having fully accounted agreeable to the Intent hereof, that then the Remainder or other Veſtrymen, by themſelves, and apart, ſhall and may demand an Account and Payment; and on Refuſal or Neglect thereof, may bring Suit or Suits againſt the Commiſſioners aforeſaid, as well thoſe who may happen to be of the Veſtry as the others who are not, and proceed to final Judgment or Judgments, and Execution or Executions; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

CHAP. XXIII.

An Act, for increaſing the Salaries of the Inſpectors of Tobacco at the Ware-houſe in the Town of Halifax.

Private. I. WHEREAS the Salaries by Law allowed to the Inſpectors of Tobacco at the Ware-houſe in the Town of *Halifax*, have been found inadequate to the Trouble and Expence of attending the ſaid Inſpection, and inſufficient to encourage honeſt and ſkillful Perſons to undertake the ſame; by Reaſon whereof much Tobacco of a mean Quality has been paſſed, and many other Abuſes committed at the ſaid Inſpection, to the Prejudice of all Perſons concerned therein: For Remedy whereof,

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That in Lieu of the Salary heretofore by Law allowed, there ſhall be paid to each of the Inſpectors of the ſaid Ware-houſe, the Sum of Fifty Pounds Proclamation Money, *per Annum*; any Law, Uſage or Cuſtom to the contrary in any-wiſe notwithſtanding.

CHAP.

CHAP. XXIV.

A. D. 1762.

An Act, to amend and further continue an Act, intituled, An Act, to eſtabliſh a Public Ferry from *Newby*'s Point to *Phelps*'s Point, whereon the Court-houſe now ſtands, on *Perquimans* River.

Private.

I. WHEREAS an Act of Aſſembly, intituled, *An Act, to revive an Act, to eſtabliſh a Public Ferry from* Newbey's *Point to* Phelps's *Point, whereon the Court-houſe now ſtands, on* Perquimans *River*, paſſed in the Year of our Lord One Thouſand Seven Hundred and Fifty Seven, has been found of great Utility to the Public; but being temporary, and to continue in Force no longer than until the Concluſion of this preſent Seſſion of Aſſembly:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the before recited Act ſhall continue and be in Force during the Term of Five Years, from and after the paſſing of this Act, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

III. AND whereas the Tax of Two Pence on each of the Taxable Perſons mentioned in the ſaid Act, is found not to be ſufficient to defray the Expence thereof; *Be it therefore Enacted, by the Authority aforeſaid,* That the Juſtices of the Inferior Court of the ſaid County, are hereby authoriſed, impowered, and required, at the Firſt Court to be held for their County, between the Firſt Day of *May* and the Firſt Day of *November*, annually, to lay a Tax, not exceeding Three Pence, *per* Poll, on the Taxable Perſons in their County; to be collected, accounted for, and applied as by the before mentioned Act is directed; any Thing in the ſaid Act contained to the contrary notwithſtanding.

CHAP. XXV.

An Act, to impower and direct the Commiſſioners of the Diſtricts hereafter mentioned, to lay out and make a Road through Regan's *Swamp in* Bladen *County, to the Court-houſe in the ſaid County.*

Private.

I. WHEREAS a Public Road through *Regan*'s Swamp to the Court-houſe in *Bladen* County, will be of great Benefit and Utility, as well to the Inhabitants of *Pee Dee*, as to thoſe reſiding on the *Weſterly* Side of the ſaid Swamp, in order to tranſport their Produce and Effects to Market, and attend the Courts:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That *Archibald McKiſſaih*, *Joſeph Regan*, and *Joſeph Fort*, are hereby appointed Commiſſioners of the Roads on the *Weſterly* Side of *Regan*'s Swamp in *Bladen* County aforeſaid; and they are directed and authoriſed, within Six Months after the paſſing of this Act, to lay or ſtake out, or cauſe to be laid or ſtaked out, a Road from the *Weſterly* Side of the ſaid Swamp thro' the ſame to *Johnſton*'s Bluff; and that the ſaid Commiſſioners, or the Majority of them, ſhall, within

A. D. 1762. within Two Years next after the paſſing this Act, cauſe all Perſons liable to work on the Roads on their Side of the Swamp, to work upon, open, and make the ſaid Road thro' the ſaid Swamp to *Johnſton*'s Bluff aforeſaid; and to cauſeway all or any Part that may be neceſſary; and alſo, to make all ſuch Bridges that are or may be requiſite therein.

III. *AND be it further Enacted, by the Authority aforeſaid*, That *Hugh Waddle*, *Robert Johnſton*, and *William McRee*, Eſqrs. are appointed Commiſſioners of the Roads on the *Eaſterly* Side of the ſaid Swamp, from *Johnſton*'s Bluff to the Court-houſe; and are hereby likewiſe directed and authoriſed, within Six Months after the paſſing this Act, to lay or ſtake out, or cauſe to be laid or ſtaked, a Road from the ſaid Bluff, in as direct a Courſe as poſſible, to *Bladen* Court-houſe; and that the ſaid Commiſſioners laſt mentioned, or the Majority of them, ſhall alſo, within Two Years next after the paſſing this Act, cauſe all Perſons liable to work between the *Eaſterly* Side of the ſaid Swamp and the *North-Weſt* River, reſiding within Fifteen Miles of the ſaid Bluff, to work upon, open, and make the ſaid Road to the Court-houſe aforeſaid; and to make, or cauſe to be made, all Bridges that may be neceſſary in their ſaid Diſtrict.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe the Commiſſioners of the Roads of the ſaid Diſtricts, or either of them, ſhall refuſe or neglect to lay or ſtake out, or cauſe to be laid or ſtaked out, within the Time before limited; and alſo, to make, or cauſe to be made, the Roads aforeſaid within their reſpective Diſtricts, then, and in ſuch Caſe, the reſpective Commiſſioners, or eitheir of them, refuſing or neglecting, ſhall forfeit and pay the Sum of Twenty Pounds Proclamation Money: And that the Fines and Forfeitures becoming due by Virtue of this Act, ſhall be recovered by Action of Debt, in ſuch Court wherein the ſame is cognizable, by any Perſon who will ſue for the ſame; one Fifth Part thereof to the Perſon or Perſons ſuing for the ſame, and the other Four Fifths to be appplied by the Court wherein it is recovered, for and towards making the Road in ſuch Diſtrict where the ſame ſhall or may become forfeited.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners herein before mentioned, ſhall, and are hereby inveſted with the ſame Power and Authority, and liable to the like Penalties and Duties, as any other Commiſſioner whatſoever.

CHAP. XXVI.

An Act, to impower and direct the Commiſſioners of the Diſtrict herein mentioned, to lay out and make a Road from John Howard's *Ferry on* Black *River, through* Colley's *Swamp to the* North-Weſt *River, in* Bladen *County.*

Private.

I. WHEREAS a Public Road from *Black* River through *Colley*'s Swamp to the *North-Weſt* River, at or near Col. *Bartram*'s Plantation, would be of great Benefit to Travellers: II. *BE*

A. D. 1762.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That *John Howard*, *Othniel Strahan*, and *George Thomas*, are hereby appointed Commiſſioners of the Roads by this Act to be laid out and made; and they, or the Majority of them, are hereby directed and authoriſed, within Six Months next after the paſſing of this Act, to lay or ſtake, or cauſe to be laid or ſtaked out, a Road from *John Howard*'s Ferry, on *Black* River, through *Colley*'s Swamp, to ſuch Place on the *North-Weſt* River as will be moſt convenient for Travellers paſſing to or from the *Southward* over the *White-Marſh* Cauſeway: And that the ſaid Commiſſioners, or the Majority of them, ſhall, within Two Years next after the paſſing of this Act, cauſe all Perſons liable to work on the Roads between the ſaid Rivers, reſiding within Six Miles of any Part of the ſaid Road, to work upon, open, and make the ſaid Road; and to make, or cauſe to be made, all Bridges that is or may be neceſſary therein.

III. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe the ſaid Commiſſioners ſhall refuſe or neglect to lay or ſtake out, or cauſe to be laid or ſtaked out, within the Time before limited; and alſo, to make, or cauſe to be made, the Road aforeſaid, with all ſuch Bridges that may be neceſſary*: And that the Fines and Forfeitures becoming due by Virtue of this Act, ſhall be recovered by Action of Debt, in ſuch Court wherein the ſame is cognizable, by any Perſon who will ſue for the ſame; one Fifth thereof to the Perſon or Perſons, and the other Four Fifths to be applied by the Court wherein it is recovered, for and towards making the ſaid Road.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners herein before mentioned, ſhall, and they are hereby inveſted with the ſame Power and Authority, and liable to the like Penalties and Duties, as any other Commiſſioners whatſoever.

CHAP. XXVII.

An Act, to encourage Joſeph Howell *to build a Bridge over* Tar *River, at or near the Place called* Howell's *Ferry, at* Tarborough, *in* Edgcomb *County.*

Privates.

I. WHEREAS a Bridge over *Tar* River at or near the Place called *Howell*'s Ferry, would be much for the Conveniency of all Travellers; and *Joſeph Howell* being deſirous of building one there at his own Expence, on Condition of having the Benefit thereof, for the Space of Twenty five Years from the paſſing of this Act:

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That it ſhall and may be lawful for the ſaid *Joſeph Howell*, his Heirs or Aſſigns, to erect and build a good ſubſtantial Bridge over *Tar* River, near the Place

* Here ſeems to be ſomething wanting in the Copy.

A. D 1762. Place where the Main Road croſſeth the ſaid River, commonly called *Howell*'s Ferry: And after building the ſaid Bridge as aforeſaid, it ſhall and may be lawful for the ſaid *Joſeph Howell*, his Heirs, Executors, Adminiſtrators or Aſſigns, to keep a ſufficient Gate thereon, and take and receive from all Perſons that ſhall paſs over the ſame, the following Rates; that is to ſay, For every Man and Horſe, Four Pence. For every Two wheeled Carriage, drawn by One or Two Horſes or Oxen, One Shilling and Four Pence. And for every Four wheeled Carriage, Two Shillings. And for every Horſe or Ox more, Four Pence each. And for every Head of neat Cattle, One Penny. And for every Twenty Hogs or Sheep, One Shilling; and ſo in Proportion for a greater or leſs Number of Hogs or Sheep; for and during the Space of Twenty Five Years.

III. *AND be it Enacted, by the Authority aforeſaid*, That after the ſaid Bridge is ſo built and compleated as aforeſaid, it ſhall not be lawful, during the Time the ſaid Bridge ſhall be kept in Repair, and fit for Travellers and Carriages to paſs and repaſs over the ſame, for any Perſon whatſoever, to keep any Ferry, build any Bridge, or ſet any Perſon or Perſons, Carriage or Carriages, Cattle, Hogs, or Sheep, over the ſaid River, for Fee or Reward, within One Mile of the ſame, during the Time aforeſaid, under the Penalty of Ten Shillings, Proclamation Money, for each and every Offence; to be recovered before any Magiſtrate of the County of *Edgcomb*, to be applied to the Uſe of the Proprietor of the Bridge built by the ſaid *Joſeph Howell*; and during the ſaid Time, the Right and Property of the ſaid Bridge is hereby inveſted in the ſaid *Joſeph Howell*, his Heirs, Executors, Adminiſtrators or Aſſigns.

IV. *AND be it Enacted, by the Authority aforeſaid*, That when the above mentioned Bridge ſhall be built, and the ſaid *Joſeph Howell* ſhall have received Toll by Force of this Act, and thereafter ſhall ſuffer or permit the ſaid Bridge to fall to Decay or go out of Repair, that then, and in every ſuch Caſe, ſhall be ſubjected to the Indictment of the Grand Jury of the ſaid County, or the Preſentment of the Attorney-General, or his Deputy: And if the ſaid *Joſeph Howell* ſhall thereupon be convicted, he ſhall, for ſuch Offence, be fined at the Diſcretion of the Court; and it is hereby declared to be the Intention of this Act, that the ſaid *Joſeph* ſhall build, or fully compleat and finiſh the ſaid Bridge, within the Space of Two Years after the paſſing this Act; and when the ſaid Bridge ſhall be built, the aforeſaid *Joſeph Howell*, his Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall, at the Expiration of the Term aforeſaid, leave the ſame in good Order and Condition, under the Penalty of Fifty Pounds; to be recovered by the Veſtry and Churthwardens of St. *Mary's* Pariſh, by Action of Debt; which Sum, if recovered, ſhall be applied towards the contingent Charges of the ſaid County.

CHAP. XXVIII.

An Act, to eſtabliſh a Ferry from Solley's *Point to* Relf's *Point, whereon the Court-Houſe now ſtands, on* Paſquotank *River.*

Private. I. WHEREAS the Court-Houſe in *Paſquotank* County, is now ſituate on *Relf*'s Point, on the *South* Side of *Paſquotank* River, and the Inhabi-

tants on the *North* Side of the ſaid River are obliged to attend at the ſaid Court-Houſe, the Courts, the Election of Members of Aſſembly, and Veſtrymen for the ſaid County, and are at the Expence of Ferriage in paſſing and repaſſing the ſaid River; for Remedy whereof, A. D. 1762.

II. *B E it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Court of the ſaid County are hereby authoriſed, impowered, and required, Yearly, and every Year, at the next Court to be held for the ſaid County, after the Firſt Day of *May*, to lay a Tax, not exceeding Two-pence Proclamation Money, on each Taxable Perſon in the ſaid County; to be collected and accounted for with the Juſtices of the ſaid County, by the Sheriff of the ſaid County, as other Taxes of the ſaid County are to be collected and accounted for; and to be by them applied as a Reward to the ſeveral Ferrymen now appointed, or hereafter to be appointed, by the Court of the ſaid County, to keep a Ferry to and from *Solley's* Point to *Relf's* Point; to and from which they ſhall, and are hereby obliged, to ſet over, Ferriage-free, all Perſons reſident in the ſaid County, going to, and returning from, the ſaid Court, the Election of Burgeſſes, and Veſtrymen, and General Muſters, of the ſaid County.

III. *A N D be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the ſaid County, are hereby authoriſed, impowered, and required, out of the Monies ariſing by the Tax ſo laid and collected as aforeſaid, Yearly, and every Year, to allow and pay, to the ſeveral Ferrymen attending at the Ferry aforeſaid, ſuch Sums of Money as they ſhall think reaſonable, for their Trouble, in tranſporting all Perſons as ſhall or may have Occaſion to attend at the ſaid Court-Houſe, on the Days and Times aforeſaid.

IV. *A N D be it further Enacted, by the Authority aforeſaid*, That the Ferrymen that now are appointed, or ſhall be hereafter appointed by the Court of the ſaid County, to keep a Ferry at *Solley's* Point and *Relf's* Point, are hereby required, to ferry over the ſaid River, free of any Expence, all Perſons reſident in the ſaid County, during the Sitting of the ſaid Court; and alſo, all Perſons whatſoever, on the Days of Election of Members of Aſſembly, and Veſtrymen; and alſo, all Perſons, going to, and from, General Muſters, within the ſaid County; under the Penalty of forfeiting to the Party refuſed or neglected, the Sum of Ten Shillings Proclamation Money, for every ſuch Neglect or Refuſal: To be recovered by a Warrant, on Proof made, before any Juſtice in the ſaid County, to the Uſe of the Party ſo refuſed.

V. *A N D be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Juſtices of the ſaid Court, to take Bond and Security, of the Ferry-keepers, in the Sum of Twenty Pounds, Proclamation Money, for the due and faithful Performance of their Duty therein.

VI. *A N D be it further Enacted, by the Authority foreſaid*, That this Act ſhall be and continue in Force, for and during the Term of Two Years, from and after the paſſing thereof, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

SIGNED by

Read Three Times, and Ratified in open Aſſembly, the 11th Day *Decemb. Anno Dom.* 1762.

ARTHUR DOBBS, Eſq; Governor.
JAMES HASELL, Preſident.
JOHN ASHE, Speaker.

A. D. 1764.

ANNO REGNI GEORGII III, Regis, *Magnæ Britanniæ, Franciæ, & Hiberniæ,* Quinto.

At an ASSEMBLY, begun and held at *Wilmington*, the Thirtieth Day of *January*, in the Fifth Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and in the Year of our Lord One Thouſand Seven Hundred and Sixty-four; being the Firſt Seſſion of this preſent Aſſembly.

ARTH. DOBBS, Eſq; Governor.

CHAP. I.

An Act, for appointing a Militia.

I. WHEREAS a Militia may be neceſſary for the Defence of this Province;

Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That all Freemen and Servants within this Province, between the Age of Sixteen and Sixty, ſhall compoſe the Militia thereof; and that the ſeveral Captains of the ſame, ſhall enroll the Names of all ſuch Freemen and Servants of which their ſeveral Companies conſiſt; and ſhall, at their reſpective General Muſters, return a Copy thereof to the Colonel of their reſpective Regiments, under the Penalty of Five Pounds, Proclamation Money; to be levied by a Warrant of Diſtreſs from the Colonel of the Regiment, directed to the Sheriff of the County to which the ſaid Regiment ſhall belong; which Sheriff ſhall be paid, out of the ſaid Penalty, the Sum of Ten Shillings: And in Caſe any Sheriff ſhall neglect or refuſe to ſerve ſuch Warrant, he ſhall forfeit and pay the Sum of Five Pounds; to be recovered by

Militia to conſiſt of all free Men and Servants; Names of whom to be enrolled.

A. D. 1764.

Pen. on Perſons not appearing at Muſters properly accoutred.

Action of Debt, in any Court of Record, and be applied as herein after directed; which Copy ſo returned, ſhall, by every Colonel, be returned to the Governor or Commander in Chief for the Time being, under the like Penalty: And that all Perſons after being ſo enrolled, who ſhall at any Time (unleſs rendered incapable by Sickneſs or other Accident) neglect or refuſe, when called upon, to appear at ſuch Times and Places where ordered by the Colonel or Commanding Officer, there to be muſtered, trained, and exerciſed in Arms, and be provided with a well fixed Gun, ſhall forfeit and pay, if at a private Muſter, Two Shillings and Six-pence, if at a general Muſter, Five Shillings; and ſhall alſo be provided with a Cartouch box, Sword, Cutlaſs or Hanger, and have at leaſt Nine Charges of Powder, (made into Cartridges) and ſizeable Bullets or Swan Shot, and Three ſpare Flints, a Worm and Picker; under the Penalty, if at a private Muſter, the Sum of Two Shillings and Six-pence, if at a general Muſter, Five Shillings; to be levied by a Warrant of Diſtreſs from the Captain of the Company, directed to the Serjeant of the ſame; who is hereby impowered to execute the ſaid Warrant, and diſtrain for the ſaid Fines or Penalties, in the ſame Manner as Sherifs are impowered to diſtrain for Public Taxes, and ſhall make Return thereof to the Captain; which Serjeant ſhall deduct One Shilling and Four-pence for every Fine ſo levied: And in Caſe ſuch Serjeant or Serjeants ſhall neglect or refuſe to ſerve any Warrant or Warrants to him or them ſo directed, he or they for ſuch Neglect or Refuſal, ſhall be fined Twenty Shillings; to be recovered by a Warrant from the Captain, directed to any other Serjeant, under the ſame Penalty; to be accounted for and applied as other Fines in this Act directed.

Time allowed Abſentees, to make their Excuſe.

May appeal to the next Court-Martial.

III. *PROVIDED always*, That every Abſentee ſhall be allowed till the next ſucceeding Muſter to make his Excuſe before the Captain ſhall iſſue his Warrant, unleſs againſt ſuch Defaulters as he may ſuſpect are about removing themſelves out of the County before ſuch ſucceeding Muſter; in which Caſe it ſhall and may be lawful for the Captain to iſſue a Summons, to cauſe ſuch ſuſpected Perſon to appear before him to make his Excuſe for ſuch Abſence; and upon hearing the ſame, or upon the Perſon's refuſing to obey ſuch Summons, the Captain ſhall then proceed as to him ſhall ſeem juſt: And every Perſon that ſhall be fined by Virtue of this Act, and ſhall think himſelf injured by his Officers, may appeal to the next Court-Martial, firſt giving Security in the Sum of Twenty Shillings Proclamation Money, to appear and abide by the Judgment of the ſaid Court; and if Judgment ſhall be againſt him, that he will then and there pay the Fine, with Two Shillings Coſt.

Perſons exempt from muſtering.

IV. *PROVIDED alſo*, That no Member of his Majeſty's Council, no Member of the Aſſembly, no Miniſter of the Church of *England*, no Preſbyterian Miniſter regularly called to any Congregation in this Province, no Juſtice of the Superior Courts, Secretary, practiſing Attorney, no Man who has bore a military Commiſſion as high as that of a Captain, or commiſſioned Officer who has ſerved in the Army, no Juſtice of the Peace, no Clerk of the Court of Juſtice, practiſing Phyſician, Surgeon, Schoolmaſter, having the Tuition of Ten Scholars, Ferryman, Overſeer, having the Care of Six Slaves, Inſpectors, Public Millers, Coroners, Conſtables, Overſeers of Public Roads, or Branch Pilots, ſo long as they continue in Office, ſhall be obliged to inliſt themſelves, or appear at ſuch Muſters.

V. PRO-

V. *PROVIDED nevertheleſs*, That in Caſe any ſuch Schoolmaſter or Overſeer, having the Care of Six Slaves, ſhall be ſeen in the Muſter-field on the Days of general or private Muſters, they ſhall be liable to a Fine of Forty Shillings; to be levied by a Warrant from the Colonel or Commanding Officer, and applied as other Fines in this Act directed.

Pen. on Schoolmaſters or Overſeers appearing at Muſters.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That if the Captain, Lieutenant, or Enſign, or any Two them, ſhall adjudge any Perſon or Perſons, enrolled as aforeſaid, to be incapable of providing and furniſhing him or themſelves with the Arms, Ammunition and Accoutrements, required by this Act, every ſuch Perſon ſhall be exempt from the Fines and Forfeitures impoſed by Virtue of this Act, until ſuch Arms, Ammunition and Accoutrements ſhall be provided for and delivered him by the Court-Martial, to be paid for out of the Fines already collected, and that may hereafter be collected; ſuch Court-Martial firſt taking Security for the ſafe-keeping and returning ſuch Arms, Ammunition and Accoutrements, when required.

Perſons incapable of finding Arms, &c. exempt from Fine.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Captain of every Company within this Province, ſhall, and they are hereby required, to chooſe a Clerk, Three Serjeants, Three Corporals, and a Drummer, for the ſaid Company: Which ſaid Clerk ſhall give his Attendance, with his Sword by his Side, on every muſter Day, and call over the Roll of the Company, and take Notice of the Perſons who are abſent on each of the ſaid muſter Days, and return, upon Oath, a true Liſt of the Abſentees to his Captain; and ſhall alſo, before the Company proceed to their Exerciſe, read diſtinctly, and with an audable Voice, at the Head of his Company, this Act; and if the Clerk, Serjeants or Corporals, or any of them ſo choſen, ſhall refuſe to act in the Office he is appointed to, he ſhall forfeit and pay the Sum of Forty Shillings.

Captain to chooſe a Clerk, &c.

His Duty.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe of any Inſurrection within this Province, or Invaſion, it ſhall and may be lawful for the Governor or Commander in Chief for the Time being, or any Field Officer by him directed, to raiſe all or ſo many of the Militia as ſhall be thought neceſſary for oppoſing ſuch Inſurrection or Invaſion; and the Militia ſo raiſed, ſhall perform ſuch Duty or Service as they ſhall be required to do by their Commanding Officer; and it is hereby required and directed, that the ſaid Militia ſhall appear furniſhed with Arms, Ammunition and Accoutrements as aforeſaid.

In Caſe of an Invaſion, Militia to be raiſed.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon who ſhall neglect or refuſe, on Call or Alarm given, to appear at ſuch Times and Places as ſhall be appointed by his Captain or other Officer, ſhall forfeit and pay Ten Pounds Proclamation Money; to be levied by a Warrant from the Colonel or Commanding Officer for that Service, directed to the Sheriff of the County where the Offender reſides; and ſuch Sheriff, who is hereby required and directed to execute the ſame, ſhall, for every Neglect or Refuſal, forfeit and pay the Sum of Ten Pounds Proclamation Money; to be recovered by Action of Debt, in any Court of Record in this Province: And any Perſon who ſhall refuſe to march againſt the Enemy

Pen. on Perſons neglecting to appear.

Perſons refuſing

A. D. 1764. to march against the Enemy, to be tried by Court Martial.

Enemy when commanded, or refuſe or neglect to do his Duty, or perform the Service he is put upon by ſuch Captain or other Officer, or ſhall quit his Poſt, deſert his Colours, or Mutiny; it ſhall and may be lawful for One Field-Officer or more, Three Captains, Three Lieutenants, and Three Enſigns, or the Majority of them, openly, to hold a Court-Martial, firſt taking the following Oath;

YOU *ſhall ſwear, well and truly to try and determine, according to your Evidence in the Matter now before you, between our Sovereign Lord the King and the Priſoner to be tried.* So help you God.

And on Tryal and Conviction, to puniſh the Offender according to Martial Law, as the Nature of the Offence may require, (Death excepted;) and for Want of ſuch Number of Officers to compleat a Court-Martial, the Offender ſhall be put under a Guard until ſuch Time as there are a ſufficient Number to hold a Court-Martial as aforeſaid.

Their Pay when in Service of the Country.

X. *AND be it Enacted, by the Authority aforeſaid*, That the private Men when on Duty and in the actual Service of their Country, ſhall be allowed Two Shillings *per* Day each, and Eight-pence *per* Day to the Commanding Officer for victualling each Man.

Militia when to muſter.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That every Captain of a Company ſhall, within Six Months, at ſuch Times and Places within their ſeveral Diſtricts, as their reſpective Colonels ſhall appoint, muſter his Company, and ſee that every Soldier in his ſaid Company be furniſhed with ſuch Arms, Ammunition and Accoutrements, as in and by this Act is directed; under the Penalty of Five Pounds for each Muſter he ſhall neglect; to be levied by Warrant of Diſtreſs from the Colonel or Commanding Officer of the County in Manner aforeſaid, and to be applied as by this Act is directed; and that each and every Company ſhall conſiſt of not leſs than Fifty Men, excluſive of Officers.

Officers to be reſident in the County.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That all Officers of the Militia ſhall be reſident in the County for which they are appointed Officers.

Pen. on Soldier reſiſting his Officer.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Soldier ſhall, during the Time of muſter, reſiſt his Commanding Officer, or refuſe his lawful Commands, ſuch Soldier ſhall be puniſhed at the Diſcretion of his Officer, by being tied Neck and Heels, not exceeding Fifteen Minutes, piquetted, or ride the wooden Horſe: And if any Officer or Soldier ſhall refuſe to carry ſuch Commands into Execution, he or they ſo offending, ſhall forfeit and pay the Sum of Five Pounds; to be levied by a Warrant from any Field-Officer in the Regiment, and applied as other Fines mentioned in this Act.

Troop of Horſe may be formed.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That if any Number of Men, not leſs than Thirty, nor exceeding Sixty, including Officers, belonging to any of the Regiments within this Province, ſhall deſire to form themſelves into a Troop of Horſe, it ſhall and may be lawful for ſuch Perſons, by and with the Aſſent

ſent of the Colonel of the Regiment, to form themſelves into a Troop, and give a Liſt of their Names to the Colonel, who ſhall forthwith return the ſame, under his Hand and Seal, to the Governor or Commander in Chief of this Province for the Time being; and it ſhall and may be lawful for the ſaid Governor or Commander in Chief, to appoint and commiſſionate a Captain, Lieutenant and Cornet, to the ſaid Troop: And when the Commanding Officers of the ſaid Troop are ready, and ſhall exerciſe the ſaid Troop, and not before, the Perſons ſo enrolled in the ſaid Troop, ſhall be, and are exempt from their Service in the Foot Companies; and the Officers and private Men of the ſaid Troop, ſhall afterwards be ſubject to muſter as many Times, as well with Regard to private Muſters as to general Muſters of the County, and under the ſame Penalties as in and by this Act before directed for the Foot to muſter.

Exempt from muſtering in the Foot Companies, but liable to muſter as often.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That every Trooper ſhall be provided with a good ſerviceable Horſe, not leſs than Fourteen Hands high, with a good Bridle, Saddle, Holſters, Houſing, Breaſt-plate, and Crupper; a Caſe of good Piſtols, a good broad Sword, Twelve Charges of Powder, Twelve ſizeable Bullets, a Pair of Shoe-Boots, with ſuitable Spurs, and a Carbine well fixed, with a good Belt, Swivel and Bucket.

Troopers Accoutrements.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That the Colonels of each and every Regiment ſhall, once in every Year, cauſe a general Muſter to be made of their reſpective Regiments at the Court-houſe of their County; which if any of them ſhall fail or neglect to do, and fail to appear at ſuch Muſters, (Sickneſs or Accident excepted) he or they ſo offending, ſhall forfeit and pay the Sum of Twenty Pounds; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province; one Half thereof to ſuch Perſon who ſhall ſue for the ſame, and the other Half to be applied as other Fines in this Act directed.

General Muſters once a Year.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Field-Officers and Captains of every County, or the major Part of them, whereof the Colonel, Lieutenant-Colonel, or Major, ſhall be one; and they are hereby required, to meet at the Court houſe of their reſpective Counties, on the Day next following the reſpective general Muſter which ſhall be in their Counties, then and there to hold a Court-Martial; which ſaid Court ſhall have full Power to enquire into the Age and Abilities of all Perſons inliſted, and to exempt ſuch as they ſhall judge incapable of Service; and of all Neglects and Omiſſions, as well by any Officers as Delinquents; and to hear and determine all Appeals which ſhall be made to the Court from any Officer or Soldier who may think himſelf unjuſtly fined by his Captain; and to order and diſpoſe of all Fines, in the firſt Place, for buying Drums, Colours, and other Neceſſaries for the Uſe of the Company from whence the ſame ſhall ariſe, and afterwards for ſupplying the Militia with Arms; and the ſaid Court is hereby directed and required to keep a Regiſter of all their Proceedings, and for that Purpoſe to appoint a Clerk, and to allow him a reaſonable Salary out of the Fines.

Court-Martial to be held.

A. D. 1764.

Court Martials Power to call to Account Perſons owing them Money.

XVIII. *AND be it further Enacted, by the Authority aforeſaid,* That the Court-Martial of every County, ſhall have full Power, from Time to Time, to call the Sheriff, or any other Perſon or Perſons whatſoever to Account, on Oath; who ſhall pay to them the Monies in the Hands of him or them belonging to their reſpective Regiments, that have accrued, or ſhall or may become due by Virtue of this or any former Militia Act: And if any Sheriff or other Perſon ſhall refuſe or neglect to appear, account, and pay as aforeſaid, he ſhall forfeit and pay the Sum of Five Hundred Pounds; to be recovered with Coſts, by the Colonel of the Regiment to which ſuch Money is or may become due, by Action of Debt or Information, in any Superior Court, and to be applied to the Uſe of the Regiment: And when any Suit ſhall be brought by the Colonel, and he ſhall happen to die, or be ſuperceeded before ſuch Suit ſhall be determined, the ſame ſhall and may be carried on by the ſucceeding Colonel in the Name of his Predeceſſor who brought ſuch Suit; and the Death of the Colonel, or his being diſplaced, ſhall not be pleaded in Abatement of ſuch Suit, nor be deemed Matter of Error; any Law or Uſage to the contrary notwithſtanding.

Pen. on Officers not appearing at Gen. Muſters, & Court-Martial.

XIX. *AND be it further Enacted, by the Authority aforeſaid,* That every Colonel failing to appear at ſuch Court, and every Lieutenant-Colonel or Major failing to appear at the general Muſter or ſuch Court as aforeſaid, for every ſuch Offence, ſhall forfeit and pay the Sum of Five Pounds, Proclamation Money; and every Captain failing as aforeſaid, ſhall forfeit and pay Three Pounds; and every Lieutenant or Enſign failing to appear at the general Muſter, Forty Shillings; unleſs they ſhall make ſuch Excuſe for their Abſence to the next ſucceeding Court as the ſaid Court ſhall judge ſufficient: And every Captain, or in his Abſence the Clerk of the ſaid Company, ſhall return, on Oath, an exact Liſt of the Perſons who have been fined, and whether for Abſence, or Want of Accoutrements; and every Captain ſhall then and there pay into the Court, all ſuch Fines as he ſhall have received; under the Penalty of Fifty Pounds; to be levied by a Warrant from the Colonel; which ſaid Fine ſhall be applied as other Fines by this are directed.

Captain to return a Liſt of Perſons fined, and pay the Money to the Court-Martial.

Captains to procure a Copy of this Act.

XX. *AND be it further Enacted, by the Authority aforeſaid,* That each and every Captain ſhall procure a Copy of this Act, and lodge the ſame with the Clerk of his Company, and be allowed for the ſame out of the Fines.

Militia exempt from Proceſs on Muſter-days.

XXI. *AND be it further Enacted, by the Authority aforeſaid,* That no Officer or Soldier, ordered and directed by this Act to appear at Muſter as aforeſaid, ſhall be liable to be taken or arreſted by any Officer in any civil Action or Proceſs whatſoever, on the Day ſuch Perſon is directed to appear, in any reaſonable Time, either in going to, continuing at, or returning Home, from the Place appointed to muſter; but every ſuch Arreſt is hereby declared to be *ipſo facto* void; and all Officers are hereby required to take Notice thereof; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

And to paſs Ferry free to all Muſters.

XXII. *AND be it further Enacted, by the Authority aforeſaid,* That every Perſon liable to appear or muſter, going to, or returning from any Muſter, ſhall be ſuffered to paſs over any Bridge, and ſhall be put over any Ferry without Delay, fre

free from any Charge whatſoever: And if any Ferryman ſhall demand, delay, or refuſe to put ſuch Perſon or Perſons over, he ſhall forfeit and pay, for every ſuch Offence, the Sum of Twenty Shillings; to be recovered by a Warrant from a Juſtice of the Peace; one Half to the Informer, the other Half for the Uſe of the Pariſh wherein the Offence was committed. *A. D* 1764.

Captain may adminiſter an Oath.

XXIII. *AND be it further Enacted, by the Authority aforeſaid*, That when it ſhall be thought requiſite to ſwear any Perſon or Perſons upon any Tryal before any Captain, about any Fines or Penalties in this Act directed, it ſhall and may be lawful for the ſaid Captain to adminiſter any ſuch Oath.

Rangers taking *Indians* in Time of War, allowed 30 l. a Head.

XXIV. *AND be it further Enacted, by the Authority aforeſaid*, For the Encouragement of any Perſon or Perſons who ſhall range and reconnoitre the Frontiers of this Province as Volunteers at his or their own Expence; it ſhall and may be lawful for ſuch Ranger or Rangers, in Caſe of an *Indian* War, or an Invaſion of this Province by *Indians*, to kill or take Priſoner any Enemy *Indian* of what Nation ſoever; and on producing ſuch *Indian* or *Indians*, his, her, or their Scalp or Scalps before any Two Juſtices of the Peace of this Province that are moſt convenient to the Place where the ſaid *Indian* or *Indians* ſhall be taken or killed, and due Proof made thereof on Oath, of ſuch *Indian* or *Indians* being taken or killed in this Province, and producing a Certificate thereof from the ſaid Two Juſtices, together with the *Indian* or *Indians* Scalp or Scalps to the Aſſembly; ſuch Perſon or Perſons ſhall be intitled to Thirty Pounds, Proclamation Money, for each and every Captive or Scalp ſo taken and produced as aforeſaid; to be paid out of the Public Treaſury of this Province.

But muſt have Leave of the Col. of the Regiment to range.

XXV. *PROVIDED nevertheleſs*, That it ſhall not be lawful for any Party of Volenteers as aforeſaid, to range or reconnoitre the Frontiers of this Province, without Leave firſt had from the Colonel or Commanding Officer of the Regiment to which they belong, and under the Command of an Officer appointed by Warrant from ſuch Colonel or Commanding Officer.

Continuance of this Act.

XXVI. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall be and continue in Force for and during Three Years, and no longer.

CHAP. II.

An Act, concerning Veſtries.

Preamble.

I. WHEREAS making Proviſion for the Clergy, providing for the Poor, and the due Management of parochial Affairs, require that a Veſtry be Eſtabliſhed in each Pariſh in this Province, under proper Regulations:

Veſtrymen to be elected.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Freeholders of each Pariſh ſhall, and are hereby directed, to meet on the Firſt Day of *Auguſt* next, after the paſſing of this Act, and on

A. D. 1764. on *Eaſter-Monday*, in the Year of our Lord One Thouſand Seven Hundred and Sixty-ſeven, and on *Eaſter-Monday* in every Third Year thereafter, at the Court-houſe, or Place where the County Court is commonly held, or at the uſual Place of electing Veſtrymen; then and there to chooſe and elect Twelve Freeholders to ſerve as Veſtrymen: Which Veſtrymen ſo choſen, ſhall, by the Sheriff, or his Deputy, be ſummoned, at leaſt Ten Days before the Time appointed for ſuch Meeting, to meet at the Church in each reſpective Pariſh; and where there is no Church, at the Court-houſe or Place where the County Court is held, within Thirty Days next after ſuch Choice, to be qualified according to the Directions of this Act: And if the Sheriff ſhall neglect or refuſe to ſummon, or cauſe to be ſummoned, the Veſtry as aforeſaid, he ſhall forfeit and pay the Sum of Twenty Shillings, Proclamation Money, for each and every Veſtryman not ſummoned as aforeſaid; to be levied and applied as herein after directed; and the ſaid Sheriff ſhall be paid by the Pariſh, the Sum of Two Shillings Proclamation Money, for each Veſtryman he ſhall ſo ſummon.

And ſummoned by the Sheriff to appear and qualify.

Pen. on Sheriff for not ſummoning, and his Fee for ſummoning Veſtrymen.

Manner of Election of Veſtrymen.

III. AND that the Election may be made in a fair and open Manner; *Be it Enacted, by the Authority aforeſaid*, That at all Elections of Veſtrymen hereafter to be made, the Sheriff of the County, or his Deputy, ſhall attend at the Court-houſe of the County, or Place where the County Court is held, or uſual Place of electing Veſtrymen; and there to take the Votes in the following Manner; that is to ſay, He ſhall open the Poll at Ten of the Clock in the Forenoon, and after Proclamation to the Freeholders to come and give their Votes for Veſtrymen, ſhall take a Liſt of the Names of the Voters who ſhall give their Suffrages, which ſhall be for neither more nor leſs than Twelve; and the Votes ſhall be given openly, and the Poll kept open till Sun-ſet; and the Sheriff ſhall then caſt up the Number of Votes given for each Candidate, and declare the Twelve, who ſhall have the greateſt Number of Suffrages, to be duly elected; and in Caſe of an Equality of Votes among any of the Candidates, the Sheriff ſhall have the caſting Vote; and in no other Caſe give his Vote.

Qualification of Voters.

IV. AND to prevent Diſputes concerning who ſhall be underſtood to be a Freeholder capable of voting for Veſtrymen; *Be it further Enacted, by the Authority aforeſaid*, That every Perſon, in actual Poſſeſſion of an Eſtate, real, for his own Life, or the Life of ſome other Perſon, or an Eſtate of greater Dignity, of Fifty Acres of Land, or a Lot in ſome Town, ſaved according to Law, in the Pariſh of which ſuch Election ſhall be made; and no other Perſon whatſoever, ſhall be deemed a Freeholder within the Meaning of this Act: And any one of the Candidates may, in Caſe he ſuſpects any Perſon going to give his Vote, hath not a Freehold within the Meaning of this Act, object to ſuch Perſon giving his Vote, and require the Sheriff to tender him an Oath or Affirmation, concerning his Qualification; which Oath or Affirmation, the Sheriff is hereby impowered and directed to adminiſter; in the following Words; *to wit*, *YOU ſhall ſwear*, (or affirm) *that you are in actual Poſſeſſion of a Freehold of Fifty Acres of Land, in your own Right, or the Right of ſome other Perſon; or a Lot in the Town of ſaved according to Law, in the Pariſh of and that you have not given your Vote before in this Election.*

So help you God.

Who may be ſworn, on Objection.

V. *AND*

A. D. 1764.

Perſons under Age, not to be Veſtrymen.

V. *AND be it further Enacted*, That no Perſon, under the Age of Twenty-one Years, ſhall be elected a Veſtryman, or give his Vote for the Election of Veſtrymen in any Pariſh.

Attendance of Voters at Elections, inforced.

VI. AND to enforce the Attendance of the Freeholders at ſuch Elections; *Be it further Enacted, by the Authority aforeſaid*, That every Perſon qualified to vote for Veſtrymen in their reſpective Pariſhes, (the People called *Quakers*, excepted,) is hereby required to attend, and give his Vote at the Election of Veſtrymen, in Manner herein before directed, unleſs prevented by ſome bodily Infirmity, or legal Diſability, under the Penalty of Twenty Shillings Proclamation Money; to be recovered by a Warrant from any Juſtice of the Peace within the County; Provided that ſuch Penalty be ſued for within Ten Days after the ſame be incurred: And in Caſe any Perſon ſhall think himſelf injured by any Order of ſuch Juſtice of the Peace, he ſhall and may appeal therefrom to the next Inferior Court of his County, who are hereby directed and impowered to proceed and determine upon the ſame in a ſummary Manner.

Pen. on Perſons, not being Freeholders, voting at Elections.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon ſhall give his Vote at ſuch Election of Veſtrymen, who hath not been poſſeſſed, in his own Right, of a Freehold of Fifty Acres of Land in Manner herein before mentioned, or Lot, ſaved according to Law, in ſome Town in the Pariſh wherein he ſhall give his Vote, ſuch Perſon ſhall forfeit Five Pounds Proclamation Money; to be recovered by Action of Debt or Information, in any Inferior Court of Pleas and Quarter Seſſions; one half to the Informer, and the other half to the Uſe of the Pariſh wherein ſuch Vote ſhall be given; and where ſuch Action ſhall be brought, the *Onus Probandi* ſhall lie upon the Defendant.

Veſtrymen to qualify.

VIII. *AND be it further Enacted*, That the ſaid Veſtrymen ſo elected, ſhall, at the firſt or ſecond Meeting of the Veſtry next after ſuch Election, take, before ſome Magiſtrate, and in Preſence of the Veſtry, the Oaths by Law appointed to be taken by Public Officers, and ſhall repeat and ſubſcribe, in the Veſtry Book, the following Declaration, *to wit*, *I* A. B. *will not oppoſe the Doctrine, Diſcipline, and Liturgy of the Church of* England, *as by Law eſtabliſhed*: And every Veſtryman ſo elected and qualified, ſhall, to all Intents and Purpoſes, be deemed and taken to be the Veſtrymen of the reſpective Pariſhes for which they were elected, for Three Years next ſucceeding ſuch Election.

Pen. on Diſſenters not qualifying.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon choſen as a Veſtryman in any Pariſh, and ſummoned as herein before directed, refuſing or neglecting to qualify agreeable to the Directions of this Act, if he be a known Diſſenter from the Church of *England*, ſhall forfeit and pay the Sum of Three Pounds Proclamation Money; to be recovered as other Fines in this Act directed.

Veſtrymen neglecting to qualify, incapable of acting.

X. *AND be it Enacted, by the Authority aforeſaid*, That every Perſon elected or choſen a Veſtryman according to this Act who ſhall refuſe or neglect to take the ſaid Oaths, and to repeat and ſubſcribe the Teſt, and alſo to ſubſcribe the Declaration as aforeſaid, is hereby declared to be incapable of acting as a Veſtryman; and

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And others to be choſen in their Room.

the other Perſons choſen and qualified as aforeſaid, ſhall elect and chooſe one or more Freeholder or Freeholders inſtead of him or them ſo refuſing or neglecting; and ſuch Perſon or Perſons ſo choſen by the Veſtry, ſhall, after being qualified in Manner aforeſaid, be held to be a legal Veſtryman or Veſtrymen to all Intents and Purpoſes.

Miniſter to act as a Veſtryman.

XI. *AND be it further Enacted*, That it ſhall and may be lawful for every Orthodox Miniſter inducted into any Pariſh within this Province, to vote and act as one of the Veſtry of his Pariſh; and he is hereby declared to have the ſame Power and Authority in the Veſtry of the Pariſh for which he is Miniſter, as any other Veſtryman hath or ought to have.

Churchwardens to be choſen.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the Veſtry of each reſpective Pariſh, or a Majority of them, ſhall, and are hereby directed, within One Month after being elected and qualified as aforeſaid, to elect and chooſe out of the ſaid Veſtry, Two Perſons to execute the Office of Churchwardens; and every Veſtry ſhall and are hereby required, at all Times thereafter, within Forty Days after *Eaſter-Monday*, Yearly, to elect and chooſe out of the Veſtry, Two Perſons to execute the ſaid Office; and if the Perſons elected Churchwardens as aforeſaid by Virtue of this Act, or either of them, ſhall refuſe to execute the ſaid Office, he or they ſo refuſing ſhall forfeit and pay the Sum of Forty Shillings Proclamation Money; to be recovered and applied as herein after directed; and in ſuch Caſe the Veſtry ſhall proceed to chooſe, in the Room of him or them ſo refuſing, another or other Churchwarden or Churchwardens, out of the ſaid Veſtrymen. *Provided*, That no Perſon whatſoever ſhall be obliged to ſerve as Churchwarden in any Pariſh longer than One Year.

Pen. on them for not acting; and others to be choſen in their Room.

Members of Council exempt from ſerving as Churchwardens.

XIII. *PROVIDED alſo*, That no Member of his Majeſty's Council ſhall be compelled to ſerve in the Office of Churchwarden; any Thing herein contained to the contrary notwithſtanding.

Books to be provided for the Veſtry Accounts.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That the Churchwardens of every Pariſh ſhall purchaſe, at the Expence of the ſame, well bound Books, for keeping therein a Journal and Minute of all the Proceedings of the Veſtry; in which ſhall be fairly ſtated, Accounts of all ſuch Money as they, from Time to Time, ſhall receive in Virtue of their Office, and all Diſburſements made on Account of the Pariſh; and within Ninety Days after their Wardenſhip ſhall expire, cauſe the Clerk to ſet up, in the Court-houſe of their County, on a Court Day, Copies of ſuch Accounts, and continue the ſame during the Sitting of the Court, for Inſpection of the Pariſhioners; and every Churchwarden or Clerk who ſhall fail or neglect ſo to, ſhall forfeit and pay the Sum of Five Pounds Proclamation Money; to be recovered by Action of Debt or Information, in any Inferior Court of Pleas and Quarter Seſſions; one half to the Uſe of the Informer, and the other half to the Uſe of the Pariſh wherein ſuch Failure or Neglect ſhall happen.

Churchwardens to ſet up in the Court-houſe, Copies of them.

Churchwardens, or any 3 of the

XV. *AND be it further Enacted, by the Authority aforeſaid*, That the Churchwardens, or in Caſe they refuſe or neglect, any Three of the Veſtry in any Pariſh, ſhall

ſhall have Power and Authority to call a Veſtry upon any Occaſion which they ſhall judge neceſſary, by Summons under their Hands, directed to the Conſtables of the ſeveral Diſtricts of each Pariſh, who are hereby directed to execute the ſame, under the Penalty of Ten Shillings Proclamation Money, for each Veſtryman in ſuch Summons named, that they ſhall fail to ſummon; and every Veſtryman who ſhall refuſe or neglect to attend the Veſtry agreeable to ſuch Summons, ſhall forfeit and pay the Sum of Ten Shillings Proclamation Money, for every ſuch Neglect; unleſs he ſhall ſhew ſufficient Cauſe for ſo doing, to be admitted by the Veſtry at their next Meeting; which Penalties ſhall be recovered and applied as herein after directed.

Veſtry, may call a Veſtry.

Pen. on them neglecting to attend.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That the Veſtries of the ſeveral Pariſhes ſhall have full Power and Authority, upon the Death or Removal out of their reſpective Pariſhes of any Churchwarden or Churchwardens, before the Time limited for executing the ſaid Office is expired, to elect and chooſe out of the Veſtry another or other Churchwardens, in the Place of the Perſon or Perſons ſo dead or removed; and every Churchwarden ſo elected ſhall ſerve until the Time appointed by this Act for Election of Churchwardens, under the Penalty of Forty Shillings Proclamation Money.

On Death, &c. of Churchwardens, Veſtry to chooſe others.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That every Agreement and Order by the Veſtry of any Pariſh heretofore entered into or made, or which hereafter ſhall be made or entered into, for making Proviſion for a Miniſter to ſerve the Cure of the Pariſh, ſupporting the Poor, or defraying the contingent Charges thereof, ſhall be, and is hereby declared good and available againſt them and their Succeſſors.

Agreements made by Veſtries, to bind them and their Succeſſors.

XVIII. *AND be it Enacted, by the Authority aforeſaid*, That when any Veſtryman ſhall hereafter happen to die, or remove out of the Pariſh for which he was elected, the remaining Veſtrymen, or the Majority of them, ſhall, and are hereby directed and required, to elect another Veſtryman inſtead of him ſo dying or removing, who ſhall qualify himſelf as by this Act is directed.

Veſtrymen dying, &c. others to be choſen.

XIX. *AND be it further Enacted, by the Authority aforeſaid*, That the Veſtry of every Pariſh in this Province, ſhall hereafter be held at the Church, or Courthouſe, or uſual Place of holding the Court of the County; any Uſage or Cuſtom to the contrary notwithſtanding.

Veſtries where held.

XX. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Veſtries of each and every Pariſh within this Province, to appoint one or more Clerk or Clerks as Readers, to perform Divine Service at ſuch Places within their ſeveral Pariſhes as ſhall, by the reſpective Veſtries, be appointed and directed.

Veſtries to appoint Readers.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That the Veſtry of each reſpective Pariſh ſhall have full Power and Authority, and are hereby directed and required, between *Eaſter-Monday* and the Firſt Day of *November*, Yearly, to lay a Poll-Tax on the taxable Perſons in their Pariſh, not exceeding Ten Shillings, for

Veſtry to lay a Tax, for Contingencies of the County.

A. D. 1764. for building Churches and Chappels, paying the Miniſters Salary, purchaſing a Glebe, erecting a Manſion, and convenient Out-Houſes thereon, encouraging Schools, maintaining the Poor, paying Clerks and Readers, and defraying other incident Charges of their Pariſh: And if the Veſtry of any Pariſh ſhall neglect or refuſe to lay a ſufficient Tax to ſatisfy the Miniſter, and other Creditors of the Pariſh; in ſuch Caſe, the Veſtry ſo refuſing or neglecting, ſhall be liable to the Action of the Party grieved, his, her, or their Executors, or Adminiſtrators, for all Damages which he, ſhe or they ſhall ſuſtain thereby.

Incumbent to perform Divine Service in his Surplice or Gown.

XXII. *AND be it further Enacted*, That the Incumbent of each and every Pariſh within this Province ſhall, at the Time of performing Divince Service, appear in the reading Deſk and Pulpit, either in a Surplice or Gown, agreeable to the Rubrick of the Church of *England*.

No Veſtryman to be Clerk of the Veſtry.

XXIII. *AND be it further Enacted, by the Authority aforeſaid*, That no Veſtryman hereafter ſhall be capable of holding or exerciſing the Office of Clerk of the Veſtry; but the Veſtry of every reſpective Pariſh ſhall appoint ſome other Perſon of Skill and Probity to officiate as Clerk.

Sheriffs to collect the Pariſh Taxes, and to give Bond.

XXIV. AND for the better collecting and paying the ſaid Tax; *Be it further Enacted, by the Authority aforeſaid*, That every Sheriff in this Government ſhall be, and is hereby appointed Collector of all ſuch Taxes as ſhall be aſſeſſed by the Veſtry or Veſtries within his County; and within Forty Days after ſuch Aſſeſſment, ſhall enter into Bond, with ſufficient Securities, in the Sum of Five Hundred Pounds, to the Churchwardens of the Pariſh or Pariſhes within his County, that he will duly collect ſuch Taxes, and pay the ſame to the Veſtry for the Uſe of the Pariſh: And every Sheriff who ſhall fail or neglect to give ſuch Bond and Security, ſhall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; to be recovered with Coſts, by Action of Debt or Information, in any Court of Record, by the Churchwardens to whom ſuch Bond and Security ought to have been given, to the Uſe of the Pariſh: And upon ſuch Refuſal or Neglect of the Sheriff, the Veſtry ſhall, and are hereby required, to nominate and appoint ſome other Perſon to collect and receive the aforeſaid Tax, who ſhall give Bond and Security to collect and pay the ſame in Manner aforeſaid; and thereupon ſhall, and is hereby declared to have full Power and Authority to collect and receive the ſame, under the like Rules and Regulations as the Sheriff could or might have collected the ſaid Taxes.

Upon their Refuſal, Veſtry may appoint a Collector.

Sheriff removed from his Office, before finiſhing his Collection, not to deſtroy his Power of collecting; and where he dies, Veſtry to employ next Sheriff.

XXV. *AND be it further Enacted, by the Authority aforeſaid*, That if any Sheriff who hath undertaken the Collection of Pariſh Taxes as aforeſaid, ſhall happen to be removed from his Office as Sheriff, or his Time of Service therein expire before he ſhall have compleated the ſame, his Power of collecting ſuch Pariſh Taxes and making Diſtreſs for the ſame, ſhall continue as fully and amply as if he had not been removed, or his ſaid Office of Sheriff had not expired: And where any ſuch Sheriff or other Collector ſhall happen to die before he hath finiſhed his Collection, the Veſtry ſhall have full Power, and are hereby directed, to appoint the ſucceeding Sheriff, or another Collector, to finiſh the ſame; who having given Bond and Security for the Diſcharge of his Office, ſhall be, and is hereby inveſted with the like

Power

Power and Authority for that Purpoſe, as the Sheriff or other Collector ſo dying had or might have exerciſed. *A. D.* 1764.

Recovery of Money from Pariſh Collectors.

XXVI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Sheriff, or other Pariſh Collector, ſhall neglect or refuſe to account for and pay the ſeveral Pariſh Taxes that have been, or hereafter ſhall be aſſeſſed on the Taxable Perſons of the Pariſh whereof he is Collector, and wherewith he ſhall be chargeable, according to the Directions of this Act, after deducting the Commiſſions allowed him, and the ſeveral Sums chargeable to Perſons who have no viſible Eſtate in ſuch Pariſh; it ſhall and may lawful for the Superior Court of the Diſtrict wherein ſuch Sheriff or Collector ſhall live, either before, or at any Time after the Expiration of his ſaid Office, on Motion of the Churchwardens, to give Judgment againſt ſuch Sheriff or Collector for all the Money wherewith he ſhall or may be chargeable to ſuch Pariſh, with Coſts; and thereupon to award Execution againſt the Goods and Chattels, Lands and Tenements, of ſuch Sheriff or Collector. *Provided*, That he have Ten Days previous Notice of ſuch Motion.

Pariſh Taxes when to be paid.

XXVII. *AND be it further Enacted, by the Authority aforeſaid*, That all ſuch Taxes ſhall be collected and accounted for by the Sheriff or other Collector, on or before the Tenth Day of *June* in every Year; and the Sheriff or Collector ſhall be allowed Six *per Cent.* for his Trouble for collecting and paying the ſame; and is hereby declared to have full Power and Authority, at any Time after the Tenth Day of *March* in every Year, upon Neglect or Refuſal of Payment of the ſaid Tax, or any Part thereof, by any Perſon chargeable therewith, to diſtrain the Goods and Chattels of the Perſons ſo refuſing or neglecting: And if the Owner thereof ſhall not pay what is due within Five Days after ſuch Diſtreſs is made, ſuch Sheriff or Collector ſhall and may ſell, by Auction, the Goods ſo diſtrained, or ſo much thereof as ſhall be ſufficient to ſatisfy the ſaid Tax; and the Sum of Two Shillings and Eight Pence, Proclamation Money, for making ſuch Diſtreſs, and Charges on the Sale thereof, returning the Overplus (if any) to the Owner; but ſhall give Notice of the Sale, by ſetting up an Advertiſement in Writing, at the Court-houſe of the County, the Church Door in the Pariſh, or at the moſt Public Place of Worſhip where there is no Church; and by publiſhing the ſame among the People immediately after Divine Service, on the next *Sunday* after the Expiration of the ſaid Five Days; which Sale ſhall not be in leſs than Three Days, nor more than Ten Days after Notice ſo given; and ſhall be good and effectual in Law againſt all Perſons whatſoever.

Diſtreſs may be made on Delinquents.

Diſtreſs not to be unreaſonable, or on Slaves.

XXVIII. *PROVIDED always*, That no Sheriff or other Officer ſhall, at any Time, make or take unreaſonable Diſtreſs, or ſeize the Slave or Slaves of any Perſon for Pariſh Taxes, if other ſufficient Diſtreſs ſhall be ſhewn to ſuch Sheriff or Collector by the Peſon on whom ſuch Diſtreſs is made; upon Penalty of being liable to the Action of the Party grieved, wherein he ſhall recover full Coſts, although the Damages recovered ſhall be under Forty Shillings.

Veſtries Power to call Magiſtrates to Ac-

XXIX. *AND be it further Enacted, by the Authority aforeſaid*, That the Veſtry of every Pariſh ſhall have full Power, from Time to Time, to call any Juſtice

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count, for all Monies due to the Pariſh.

of the Peace, and other Perſon or Perſons whatſoever to Account, on Oath, and pay to them the Monies in the Hands of him or them belonging to their Pariſh, or accruing or becoming due to the ſame by Virtue of the Laws of this Province: And if any Juſtice or other Perſon ſhall refuſe or neglect to appear and account as aforeſaid, he ſhall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; to be recovered with Coſts, by Action of Debt or Information, in any Court of Record, and be applied to the Uſe of the Pariſh; and where any Suit ſhall be undetermined, the ſame ſhall or may be carried on by the ſucceeding Church-wardens, in the Name of their Predeceſſors who brought ſuch Suit; and the Death or Expiration of Office of the Churchwarden or Churchwardens, ſhall not be pleaded in Abatement of ſuch Suit, nor deemed Matter of Error; any Law or Uſage to the contrary notwithſtanding.

Recovery and Application of Penalties.

XXX. *AND be it further Enacted, by the Authority aforeſaid*, That the ſeveral Forfeitures and Penalties by this Act inflicted, for which no Method of Recovery or Application is herein before directed, ſhall and may be recovered, with Coſts, before any Juriſdiction having Cognizance thereof; one half to the Uſe of the Informer, and the other half to the Uſe of the Pariſh wherein ſuch Penalty ſhall be incurred.

Proviſion for Elections, if the Day by Law appointed, proves bad.

XXXI. *AND be it further Enacted, by the Authority aforeſaid*, That if it ſhall ſo happen from badneſs of Weather, or any other unavoidable Hinderance, that an Election of Veſtrymen for any Pariſh ſhall not be held upon any of the Days by this Act appointed for that Purpoſe; that in ſuch Caſe, the Sheriff ſhall appoint a Time, not leſs than Ten, nor exceeding Twenty Days thereafter, for electing Veſtrymen in every ſuch Pariſh; and ſhall ſummons the Freeholders thereof to attend and elect Veſtrymen in the Manner by this Act directed; and every ſuch Election ſhall be as good and valid, as if made upon the particular Days herein appointed for that Purpoſe; any Thing herein contained to the contrary notwithſtanding.

Sheriff to read this Act at Court, and give Notice, before every Election.

XXXII. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff of every County within this Province, at the Court preceeding every Election of Veſtrymen, ſhall, publicly, read this Act at the Door of the Court-houſe on the Second Day of the Court, between the Hours of Twelve and One of the Clock; and alſo, give Notice of ſuch Election, by ſetting up an Advertiſement in Writing at each Church and Chappel in the Pariſh, on ſome *Sunday*, at leaſt Forty Days before the ſame: And every Sheriff failing ſo to do, ſhall forfeit and pay Ten Pounds, Proclamation Money; to be recovered with Coſts, in any Inferior Court of Pleas and Quarter Seſſions, by Action of Debt; one half to the Uſe of the Pariſh wherein ſuch Failure ſhall happen, and the other half to him or them who ſhall ſue for the ſame.

Continuance of this Act.

XXXIII. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall be and continue in Force, from and after the paſſing thereof, for and during the Term of Five Years.

CHAP.

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CHAP. III.

An Act, to impower the Inferior Courts of the ſeveral Counties in this Province, to order the laying out of Public Roads, and eſtabliſh and ſettle Ferries; and to appoint where Bridges ſhall be built for the Uſe and Eaſe of the Inhabitants of this Province; and to clear navigable Rivers and Creeks.

Roads and Ferries eſtabliſhed.

I. BE it Enacted, *by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That all Roads and Ferries in the ſeveral Counties of this Province, that have been laid out or appointed by Virtue of any Act of Aſſembly heretofore made, or by Virtue of any Order of Court, are hereby declared to be Public Roads and Ferries; and that from Time to Time, and at all Times hereafter, the Inferior Court of the ſeveral Counties in this Province, ſhall have full Power and Authority to appoint and ſettle Ferries; and to order the laying out Public Roads where neceſſary; and to appoint where Bridges ſhall be made for the Uſe and Eaſe of the Inhabitants of each County; and to diſcontinue ſuch Roads as are now, or ſhall hereafter be made, as ſhall be found uſeleſs; and to alter Roads ſo as to make them more uſeful, as often as Occaſion ſhall require.

Courts Power to appoint Ferries, and lay out Roads.

Courts to call to Account Perſons owing Money on Delinquency on Roads.

II. *AND be it further Enacted, by the Authority aforeſaid,* That each Inferior Court within this Province, is hereby authoriſed and impowered, to call any Perſon or Perſons in their reſpective Counties to Account, for any Monies ſuch Perſon or Perſons may have in his or their Hands, by Virtue of any Diſtreſs heretofore made for Default of working on any Road in ſuch County; and all ſuch Monies to receive and apply towards keeping in Repair the Roads and Bridges on which ſuch Default was made.

Roads how laid out.

III. *AND be it further Enacted,* That all Roads hereafter to be laid out, ſhall be laid out by a Jury of Twelve Men, appointed by the ſaid Inferior Courts, reſpectively: Which Jury, being Freeholders, ſhall take an Oath, to lay out the ſame to the greateſt Eaſe and Conveniency of the Inhabitants, and as little as may be to the Prejudice of any private Perſon or Perſons incloſed Ground; and the Damages which ſhall be ſuſtained by any private Perſon in laying out ſuch Road, ſhall be aſcertained by the ſame Jury, on Oath, who laid out ſuch Road, to be equally aſſeſſed by the Inferior Court of ſuch County, and levied and collected by the Overſeer of ſuch Road on the taxable Perſons which ought to work on the ſame, and by him paid to the Party injured.

Pen. on Perſons tranſporting for Pay, over any River within 10 Miles of a Ferry.

IV. *AND be it further Enacted,* That if any Perſon or Perſons, after the paſſing this Act, not impowered to keep Ferry, ſhall pretend to keep any Ferry, or to tranſport any Perſon or Perſons, or their Effects, for Pay, within Ten Miles of any Ferry, (being on the ſame River or Water) which is already, or hereafter ſhall be appointed; ſuch Perſon or Perſons ſo pretending to keep Ferry, or tranſporting any Perſon or Perſons, or their Effects, ſhall forfeit and pay the Sum of Twenty Shillings, Proclamation Money, for every ſuch Offence, to the neareſt Ferryman; to be recovered by a Warrant from any Juſtice of the Peace, upon full Proof thereof made before him.

V. *AND*

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Pen. on Ferryman not keeping them well attended, and in good Order.

V. *AND be it further Enacted*, That all ſuch Perſons who ſhall hereafter undertake to keep any Public Ferry by Appointment, and do not provide good and ſufficient Boats, or other proper Craft, and keep the ſame in good and ſufficient Repair, and well and ſufficiently attended for the Paſſage of all Travellers, and their Effects, ſhall forfeit and pay Ten Pounds, Proclamation Money, for every Neglect; one half to the Informer, and the other half for and towards leſſening the County Tax; to be recovered in the Inferior Court of the County where the Offence ſhall be committed.

Manner of making Roads and Bridges.

VI. *AND be it further Enacted*, That all Public Roads already laid, or now in Uſe, or which hereafter ſhall be laid out, ſhall be cleared of and from all Trees, Stumps, and Bruſh, at leaſt Twenty Feet wide; and ſuch Limbs of Trees as may incommode Horſemen and Carriages, ſhall be cut away; all Bridges or Cauſways made, or to be made over Swamps, Lowlands, or ſmall Runs of Water, the Pieces wherewith the ſame ſhall be made, ſhall be laid a-croſs the Road, and be at leaſt Fourteen Feet long, well ſecured, made faſt, and covered with Earth: And all Bridges over deep or navigable Streams, ſhall be made at leaſt leaſt Twelve Feet wide, with good ſawed Plank, clear of Sap, at leaſt Two Inches thick, with firm and ſtrong Poſts, Rails, and Bearers, well ſecured and faſtened; and for that Purpoſe, the Overſeer of the Road to which any of the Bridges aforeſaid ſhall belong, ſhall and may lawfully cut and take from off the Lands of any Perſon next adjacent to ſuch Bridge, ſuch, and ſo much Timber only, as ſhall be neceſſary for that Uſe.

Courts to make Bridges, where inconvenient for the Overſeers.

VII. *AND be it further Enacted*, That where a Bridge ſhall be neceſſary over any Place, where the Overſeer, with his Aſſiſtants, cannot conveniently make it, the Inferior Court of that County wherein ſuch Place ſhall be, is hereby impowered and required, to contract and agree for the building, keeping, and repairing thereof; and to levy the Charge in their County Levy: And when Bridges ſhall be neceſſary over any ſuch Creek or River, which divides one County from another, the Inferior Court of each County, ſhall join the Agreement for building, keeping, and repairing the ſame; and the Charge thereof ſhall be defrayed by both Counties in Proportion to the Number of Taxables in each.

Contracts by them made for Bridges, to bind them and their Succeſſors.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Contract, Agreement, and Order by the Juſtices of the Inferior Court of any of the Counties aforeſaid entered into, or made, for or concerning the building, keeping, or repairing Bridges, in ſuch Manner as to them ſhall ſeem moſt proper, ſhall be good and available againſt them, and their Succeſſors.

Overſeers appointed, who are to warn Perſons to work on Roads.

IX. *AND be it further Enacted*, That the Inferior Court of the ſaid Counties, ſhall, Annually, appoint Overſeers of the High-Ways or Roads; who are, by this Act, obliged to ſummon all Male Taxables, from the Age of Sixteen to Sixty, (except ſuch Perſons as are, or ſhall be exempted from Public Services by the Aſſembly,) within their Diſtrict, to meet at ſuch Places and Times, as to them ſhall ſeem convenient, for the repairing or making ſuch Roads as ſhall be neceſſary; and except ſuch as are, or have been heretofore by Law excuſed from appearing at Muſters; and ſuch as ſend Three Slaves, or other Three ſufficient Hands to work on the Public

Public Roads: And whoſoever ſhall, upon ſuch Summons, refuſe or neglect to do and perform their Duty therein, ſhall forfeit and pay the Sum of Two Shillings and Eight Pence Proclamation Money, *per* Day, for each Perſon ſo neglecting or refuſing; to be recovered by a Warrant from a Magiſtrate of the County, and paid by the Sheriff or Conſtable to the Overſeer, and by him to be expended in hiring other Hands to work on the ſaid Roads.

Pen for Neglect to work.

X. *PROVIDED neverthelefs*, That nothing herein contained ſhall be conſtrued to exempt Overſeers of Slaves from working on Roads.

Overſeers not exempt.

XI. *PROVIDED alſo*, That the ſeveral Perſons ſummoned by the Overſeers to work on the Roads as aforeſaid, ſhall not be liable to any Time for not appearing and doing their Duty, unleſs they ſhall be ſo ſummoned Six Days before the Day appointed for working.

Taxables to have 6 Days Notice.

XII. *AND be it further Enacted*, That all Overſeers of Roads which ſhall refuſe or neglect to do their Duty, as is by this Act directed, or who ſhall not keep the Roads or Bridges clear and in Repair, or let them remain uncleared or out of Repair for and during the Space of Ten Days, unleſs hindered by extreme bad Weather, ſuch Overſeer ſhall forfeit, for each and every ſuch Offence, the Sum of Twenty-five Shillings, over and above ſuch Damages as may be ſuſtained; to be recovered by a Warrant from a Magiſtrate, by any Perſon taking out the ſame, and to be applied to his own Uſe.

Pen. on Overſeers ſuffering Roads to be out of Repair.

XIII. *AND be it further Enacted*, That from and after the paſſing of this Act, the Inferior Courts of each and every County in this Province, ſhall have full Power and Authority, and they are hereby directed and required, to compell all Perſons that now do, or hereafter ſhall be appointed to keep a Public Ferry, or who ſhall own a Bridge receiving Toll within the ſaid County, to give good and ſufficient Security, in the Sum of One Hundred Pounds, Proclamation Money, payable to the Chairman of the ſaid Court, and his Succeſſors; with Condition, that he or they ſhall and will, conſtantly, find, provide, and keep good and ſufficient Boats, or other proper Crafts, and keep ſuch Bridges in good Repair, as the Caſe may be, and always to be well attended for Travellers, or other Perſons, their Horſes, Carriages and Effects, over any River or Creek: And if any Perſon ſhall receive Damage by any Ferryman, or Keeper of a Toll Bridge, not having complied with the Condition of his Bond, the Perſon who has ſo received Damage, ſhall and may bring an Action of Debt againſt ſuch Ferryman, or Bridge-keeper, on ſuch Bond, in the Name of the Chairman, and recover, for the Non-performance of the ſaid Condition, ſo much Damages as he, ſhe or they, ſhall appear to have ſuſtained; and thereupon take out Execution for whatever ſhall be ſo recovered, and apply the ſame to his, her, or their own Uſe; and it ſhall and may be lawful for any Perſon, detained at any Public Ferry by Means of the Ferryman's not having ſufficient Boats, or other proper Crafts, and Hands, or by his neglecting to do his Duty, by a Warrant from a Juſtice of Peace, to recover of ſuch Ferryman Twenty-five Shillings, Proclamation Money, for ſuch Default or Neglect.

Ferrymen to give Bond, to keep their Ferries well attended.

Suit may be bro't on it, for any Damage ſuſtained.

Pen. for detaining any Perſon.

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Overſeers appointed to clear Rivers & Creeks.

XIV. *AND be it further Enacted*, That upon proper Application made to any of the Inferior Courts in this Province for clearing navigable Rivers and Creeks in their reſpective Counties; it ſhall and may be lawful for the ſaid Courts, and they are hereby directed and required, to appoint ſuch Overſeers of the Roads as live moſt convenient to ſuch Rivers and Creeks, with their Companies, to do and perform the ſame, as ſoon as may be, after being ſo directed: And upon Neglect or Refuſal of ſuch Overſeer, or Company, or any of them, to do and perform ſuch Work or Service, upon due Proof thereof, he or they ſo refuſing or neglecting, ſhall be liable to the ſame Fines and Forfeitures, as for Neglect or Refuſal of their Service on the Roads; which ſhall be recovered and applied in the ſame Manner.

Pen. for Neglect.

Appeals granted.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Order or Sentence of the Juſtice, or Verdict of any Jury appointed to lay out any Road or Roads; it ſhall and may be lawful for ſuch Perſon or Perſons to appeal from the Order or Sentence of ſuch Juſtice, or Verdict of ſuch Jury, in any County, to the next Inferior Court to be held for the ſaid County; who are hereby impowered to hear and determine ſuch Appeals in a ſummary Way.

Overſeers to ſet up Direction Poſts at the parting of Roads.

XVI. *AND be it Enacted, by the Authority aforeſaid*, That all Overſeers of Roads ſhall cauſe to be ſet up, at the parting of all Roads, within their ſeveral Diſtricts, a Poſt or Poſts, with Arms pointing the Way of each and every Road, with Directions to the moſt Public Places to which they lead, with the Number of Miles from that Place, as near as can be computed: And every Overſeer who ſhall neglect or refuſe ſo to do, and keep the ſame in Repair, ſhall forfeit and pay, for every ſuch Neglect, the Sum of Forty Shillings; to be recovered before any Juſtice of the Peace, and applied as other Fines in this Act is directed.

And to meaſure, and mark them, at every Mile.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſeveral Overſeers of the Roads, within Nine Months next after the paſſing of this Act, ſhall cauſe the Public Roads within their Diſtricts, reſpectively, to be exactly meaſured, where the ſame has not already been done; and ſhall, at the End of each Mile, mark, in a legible and durable Manner, the Number of ſuch Miles, beginning, continuing, and making the Numbers, in ſuch Manner and Form, as the Inferior Courts of the Counties ſhall ſeverally and reſpectively direct; and every Overſeer ſhall keep up and repair ſuch Marks and Numbers within his Diſtrict: And every Overſeer refuſing or neglecting to mile, mark, or to repair the Mile Marks within his Diſtrict, according to the Intent and Meaning of this Act, for the Space of Thirty Days after Notice of their being unmarked or out of Repair, ſhall forfeit and pay the Sum of Twenty Shillings; to be recovered by a Warrant before any Juſtice of the Peace.

Acts repealed.

XVIII. *AND be it further Enacted, by the Authority aforeſaid*, That an Act, intituled, "An Act for impowering the ſeveral Commiſſioners herein after named, to "make, mend, and repair, all Roads, Bridges, Cuts and Water-Courſes, already "laid out, or hereafter to be laid out, in the ſeveral Counties and Diſtricts herein "after appointed, in ſuch Manner as they ſhall judge moſt uſeful to the Public," paſſed

paſſed at *Newbern* the Twentieth Day of *April*, in the Year of our Lord One Thouſand Seven Hundred and Forty-five. Another Act, intituled, "An Act, for eſta- "bliſhing Public Roads and Ferries, and for the better Regulation of the ſame in "ſeveral Counties," paſſed at *Newbern* the Twelfth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-ſix. And one other Act, intituled, "An Act, for altering the Method of working on the Roads, and ap- "pointing Public Ferries within the Counties of *Duplin*, *Cumberland*, *Rowan*, and "*Anſon*," paſſed at *Newbern* the Eleventh Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Sixty-two; and every Clauſe and Clauſes, Article and Articles of them, and of each and every other Act and Acts, Clauſe or Clauſes thereof heretofore made, within the Purview of this Act, ſhall be, and are hereby ſeverally, from henceforth, repealed. *A. D.* 1764.

CHAP. IV.

An Act, to ſuppreſs exceſſive and deceitful Gaming.

Preamble.

I. WHEREAS exceſſive and deceitful gaming hath been found injurious to the Inhabitants of this Province, and tend greatly to the Diſcouragement of Induſtry, Corruption of Youth, and Diſtruction of Families: For Remedy whereof,

Pen. on Tavern-keepers ſuffering Gaming in their Houſes.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, any Tavern-keeper who ſhall permit or ſuffer any Gaming within his Houſe, Stall, Booth, Harbour, or other Place, (Back Gammon only excepted,) ſhall, for ſuch Offence, upon Conviction thereof, before the Court of the County wherein the ſame ſhall be committed, forfeit his Licenſe, and be further liable to Indictment and Fine, at the Diſcretion of the ſaid Court: And any Perſon or Perſons who ſhall hereafter win at any Game or Games, or by betting or wagering, in any Manner whatſoever, (Horſe-racing only excepted,) more than Five Shillings in Twenty-four Hours, or the Value thereof in any Goods, Commodities, or other Article or Articles, ſhall, upon Conviction of the ſame, before any Court or Magiſtrate, having Cognizance thereof, forfeit all ſuch Monies, Goods, Commodities, or other Article or Articles, or the full Value thereof; one half to the Informer, and the other half to be applied to the Uſe of the Pariſh wherein ſuch Offence ſhall be committed.

No Perſon to play for more than 5s. in 24 Hours.

Informer a Party, Pen. to the Pariſh.

III. *PROVIDED neverthelefs*, That if it ſhall appear that ſuch Informer was either Winner or Looſer, or in any-wiſe a Party in any ſuch Game or Games, the Whole ſhall be forfeited to the Uſe of the Pariſh.

Pen. on Perſons winning more than 5s. in 24 Hours.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That upon any Information made before any Court of Record, or any Juſtice or Juſtices of the Peace within this Province, or in View of any Juſtice or Juſtices, it ſhall appear, that any Perſon or Perſons have won at any Game or Games, by betting or wagering in any Manner whatſoever, except as herein before excepted, more than Five Shillings

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lings in Twenty-four Hours, or the Value thereof in any Goods, Commodities, or other Article or Articles, it ſhall be lawful for any ſuch Court, or Juſtice, having Cognizance thereof, and they are hereby impowered and required, to cauſe ſuch Perſon or Perſons to be brought before ſuch Court or Magiſtrate before whom Information ſhall be made, to be examined, on Oath, concerning the ſaid Offence; which Oath or Oaths the ſaid Court or Juſtice is hereby impowered to adminiſter; as alſo, to examine any Witneſs or Witneſſes concerning the ſame: And if it ſhall appear that ſuch Perſon or Perſons ſhall have won at any Kind of Game or Games, or by betting or wagering, in any Manner whatſoever, except as herein before excepted, more than Five Shillings in Twenty-four Hours, or the Value thereof in any Goods, Commodities, or other Article or Articles, to award Execution againſt the Body, or Goods, Chattels, Lands and Tenements, of ſuch Perſon or Perſons ſo convicted, for all ſuch Sum or Sums of Money, Goods, Commodities, or other Article or Articles, which he ſhall have won, over and above the Value of Five Shillings in Twenty-four Hours.

All Specialties given for Gaming Debts, void.

V. *AND be it further Enacted*, That all Deeds, Mortgages, Bills, Bonds, Notes, Aſſumptions, Specialty or Specialties, Inſtrument or Inſtruments of Writing, which ſhall be hereafter given for the Payment, Security, or Diſcharge of any Sum or Sums of Money, Goods, Commodities, or other Article or Articles, Thing or Things whatſoever, loſt at any Game or Games, or by betting or wagering, except as herein before excepted, upon due Proof thereof, ſhall be deemed null and void.

Pen. on Perſons loitering about, gaming, and miſbehaving themſelves.

VI. AND whereas there are many idle, diſorderly, and evil diſpoſed Perſons, not Inhabitants of this Province, who are frequently found loitering, gaming, and miſbehaving themſelves within the ſame; *Be it therefore Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for any Juſtice of the Peace, and he is hereby directed and required, either on Information, Notice given him, or on his own View, to iſſue his Warrant, and cauſe ſuch Perſon or Perſons to be apprehended; and on Conviction, to commit ſuch Offender or Offenders to Goal, until he or they ſo convicted find ſufficient Security, in the Sum of Twenty Pounds, for his or their good Behaviour during the Term of Twelve Months: And if any ſuch Offender or Offenders ſhall be accuſed and convicted a ſecond Time, or oftner, of loitering, gaming, and miſbehaving themſelves as aforeſaid, he or they ſo offending, ſhall forfeit and pay, for each and every ſuch Offence, the Sum of Fifty Pounds; one half thereof to the Uſe of him or them who ſhall ſue for the ſame, and the other half to the Uſe of the Churchwardens for the Uſe of the Pariſh where ſuch Offence ſhall be committed; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province, having Cognizance thereof; wherein there ſhall be no Eſſoin, Injunction, Protection, or Wager of Law, allowed or admitted of.

Appeal granted.

VII. *PROVIDED always*, That any Perſon or Perſons aggrieved by the Judgment of any Inferior Court, may, and are hereby intitled to an Appeal to the Superior Court of the Diſtrict to which ſuch Inferior Court ſhall belong: And any Perſon aggrieved by the Judgment of any Juſtice of the Peace, upon Conviction for any of the Offences in this Act cognizable before him, may appeal to the next

Court

Court to be held for the County wherein ſuch Perſon ſhall be convicted; but ſhall give Notice in Writing of ſuch Appeal to the Appellant; and ſhall alſo enter into Recognizance, with Two ſufficient Securities, before any Juſtice of the County wherein the Judgment was given, on Condition to try ſuch Appeal at the next enſuing Court held for the ſame County, which ſhall be by the ſaid Court then heard and finally determined. A. D. 1764.

VIII. *PROVIDED alſo*, That no ſuch Judgment obtained before any Juſtice of the Peace, ſhall be ſet aſide for Want of Form, wherein it ſhall appear to the Court, that the Fact was ſufficiently proved at the Tryal; nor ſhall any ſuch Judgment be removed by any Appeal, Writ or Proceſs whatſoever, into any Superior Court. Judgment not to be ſet aſide for Want of Form.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall be and continue in Force for and during the Term of Two Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer. Continuance of the Act.

CHAP. V.

An Act, for encouraging the Culture of Hemp and Flax; and other Purpoſes.

I. WHEREAS by Experience Hemp and Flax have been found to grow extreamly well in this Province, and being valuable Articles of Commerce for Exportation; in Order to encourage the Culture thereof, Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Perſon who ſhall cultivate Hemp or Flax in this Province, and who ſhall produce a Certificate, upon Oath, of his having ſo done, and ſigned by him or her, and atteſted by any lawful Magiſtrate in the County where the ſame was cultivated; and who ſhall tender the Hemp or Flax that hath been by him or her cultivated to any Inſpector to be appointed by Virtue of an Act, intituled, *An Act, to regulate the Inſpection of the ſeveral Commodities therein mentioned*; who, on viewing the ſame, ſhall find it to have been Water-rotted, bright, clean, merchantable, and fit for Exportation, ſhall give a Certificate to the Perſon, mentioning the Perſon's Name tendering the ſame, the Time tendered, the Weight and Quality of the Hemp or Flax, and of his having examined, and found the Hemp or Flax mentioned in his Certificate, to have been Water-rotted, bright, clean, merchantable, and fit for Exportation; on producing of which Certificate by the Cultivator of the Hemp or Flax, or his, her, or their Aſſigns, together with an Indorſement thereon, under the Hands of the Collector and Naval Officer of the Port from whence it may be ſhipped, certifying, that the Hemp or Flax therein mentioned, had been duly exported, the Time when, and the Veſſel's Name in which it was ſo ſhipped, to the Provincial Treaſurer for the Diſtrict where the Hemp or Flax hath been inſpected, ſhall be paid to the Cultivator of Hemp or Flax as aforeſaid, or their Aſſigns, the Bounty or Premium hereafter mentioned, in the following Proportion, allowing One Hundred and Twelve Pounds to the Hundred Weight, *viz.* For every Hundred Weight of Hemp, Sixteen Shillings and Eight Pence. Bounty on Hemp and Flax.

A. D. 1764. Pence. For every Hundred Weight of Flax, Thirteen Shillings and Four Pence; and ſo in Proportion for a greater or leſs Quantity: Which Premium or Bounty ſhall be paid by the Treaſurer as before mentioned, out of the Monies in his Hands, or may be in his Hands for Contingencies, and which ſhall be allowed him in his Accounts.

Inſpector's Fee, for weighing Flax or Hemp.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Inſpector may take and receive, at the Rate of One Shilling Proclamation Money, for every Hundred and Twelve Pounds of Hemp or Flax by him inſpected and found merchantable, and ſo in Proportion for a greater or leſs Quantity, and for which he ſhall grant a Certificate as before mentioned.

Duty on Hides exported.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That no raw or untanned Hides, Pieces of Hides, or Calf Skins, ſhall, from and after the Firſt Day of *May* next, be exported out of this Province to any Port, (*Great Britain* only excepted) by any Perſon whatſoever, unleſs a Duty of One Penny *per* Pound, be paid for the ſame to the Collector of the reſpective Ports where the ſame ſhall be ſhipped for Exportation; and the ſeveral Collectors within this Province are hereby directed not to clear out any Ship or Veſſel, having raw and untanned Hides, Pieces of Hides, or Calf Skins, without receiving the ſaid Duty of One Penny *per* Pound; and the ſaid Collectors are hereby authoriſed and directed to adminiſter the following Oath to the Maſter or Commander of any Ship or Veſſel, *viz.*

I A. B. *do ſwear, That I have not on Board my Ship or Veſſel, any raw or untanned Hides, Pieces of Hides, or Calf Skins, except what is mentioned in my preſent Clearance; and that I will not carry out any during the Continuance of this preſent Voyage.*

Pen. for Non-Payment of the Duty.

And in Caſe any Perſon ſhall preſume to ſhip any raw or untanned Hides, Pieces of Hides, or Calf Skins, without paying the ſaid Duty, the ſaid raw and untanned Hides, Pieces of Hides, or Calf Skins, ſhall be forfeited, and applied towards paying the Bounty on Hemp and Flax; and the ſaid Duty of One Penny *per* Pound ſhall be likewiſe applied to the ſaid Uſe and Purpoſes; and paid by the ſeveral Collectors to the Public Treaſurers of this Province, towards reimburſing the ſaid Treaſurers for the Bounties paid by them on Hemp and Flax.

Pen. on Collector clearing out any Veſſel contrary to this Act.

V. *AND be it further Enacted, by the Authority aforeſaid*, That if any Collector ſhall preſume to clear out any Ship or Veſſel contrary to the true Intent and Meaning of this Act, he ſhall forfeit and pay the Sum of Fifty Pounds; one half to the Perſon who ſhall ſue for the ſame, and the other half to the Treaſurer of the Diſtrict where the Offence ſhall be committed; to be recovered by Action of Debt, in any Court of Record, having Cognizance of the ſame, and applied towards the Bounty on Hemp and Flax.

Continuance of the Act.

VI. *AND be it Enacted, by the Authority aforeſaid*, That this Act ſhall continue and be in Force for the Space of Five Years, and from thence to the End of the next Seſſion of Aſſembly.

CHAP.

A. D. 1764.

CHAP. VI.

An Act, to amend an Act, intituled, An Act, for the Relief of ſuch Perſons as have ſuffered, or may ſuffer, by not having had their Deeds and Meſne-Conveyances proved and regiſtered within the Time heretofore appointed for ſuch Purpoſes; and to prevent Diſputes and Law-Suits, concerning Lands.

Preamble.

I. WHEREAS by an Act paſſed at *Newbern*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-four, intituled, *An Act, for the Relief of ſuch Perſons as have ſuffered, or may ſuffer, by not having had their Deeds and Meſne-Conveyances regiſtered and proved within the Time heretofore appointed for ſuch Purpoſes; and to prevent Diſputes and Law Suits concerning Lands*; all Deeds or Meſne-Conveyances for any Lands, Tenements, or Hereditaments within this Province, were to be acknowledged or proved according to the Directions of that Act, and delivered to the Regiſters of the Counties wherein they are reſpectively ſituated, within the Space of Two Years from the reſpective Dates thereof; and many Perſons, through Ignorance of the Purport of the ſaid Law, having neglected to have their Deeds or Meſne-Conveyances proved and regiſtered according to the Directions of the ſaid Act: For Remedy thereof,

Deeds may be regiſtered within 18 Months.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That all Deeds and Meſne-Conveyances of Lands, Tenements and Hereditaments, not already regiſtered, acknowledged, or proved, ſhall and may, within Eighteen Months after the paſſing of this Act, be acknowledged by the Grantor or Grantors, his or their Agents or Attornies, or proved by one or more of the ſubſcribing Witneſſes to the ſame, and tendered or delivered to the Regiſters of the Counties where ſuch Lands, Tenements, or Hereditaments, are, reſpectively, ſituated: And all Deeds and Meſne-Conveyances whatſoever, which ſhall be acknowledged or proved according to the Directions of this Act; and alſo, ſuch as have been heretofore recorded by the Clerk, or regiſtered by the Regiſter of any Precinct or County, wherein the Lands or Tenements, mentioned in the ſame, lie, or are ſituate, though not within Two Years after the Date of the reſpective Conveyances, ſhall be good and valid in Law, and ſhall enure and take Effect, as fully and effectually, to the Uſe and Behoof of the Grantees, their Heirs and Aſſigns, and thoſe claiming under them, as if ſuch Deeds and Conveyances were acknowledged, or proved and regiſtered agreeable to the Directions of any Act of Aſſembly heretofore made.

Deeds regiſtered, tho' not within 2 Years, declared good.

Foreign Proteſtants dying ſeized of Lands, declared to be naturalized; and intitled to the Privilege of natural born Subjects; and all Gifts, &c. by them made, declared good.

III. AND in order to render his Majeſty's Subjects in this Province ſecure in the peaceable and quiet Enjoyment of their ſeveral Eſtates, Rights and Properties; and to prevent all Doubts, Controverſies and Diſputes, which may hereafter ariſe, concerning the Titles to any Lands, Tenements or Hereditaments, which are held or claimed by, from, or under any Foreign Proteſtant heretofore inhabiting within this Province, by Purchaſe, Diſcent, or otherwiſe: *Be it further Enacted, by the Authority aforeſaid,* That all Foreign Proteſtants heretofore inhabiting within this Province, and dying ſeized of any Lands, Tenements or Hereditaments, ſhall, for ever

A. D. 1764. ever hereafter, be deemed, taken, and eſteemed to have been naturalized, and intitled to all the Rights, Privileges and Advantages of natural born Subjects; and all Gifts, Grants, Deviſes, and Meſne-Conveyances, in the Law, heretofore made or done by any of them, or by any ſuch Foreign Proteſtants, heretofore inhabiting, and being ſeized of Lands, Tenements and Hereditaments, in this Province, of any ſuch Lands, Tenements or Hereditaments, ſhall be deemed and taken to be as valid and effectual, to all Intents and Purpoſes whatſoever, as if they had been made, done, or executed, by any of his Majeſty's natural born Subjects of this Province: And the Heirs, Grantees, Legatees, and Feeoffees of any ſuch Foreign Proteſtant, holding, claiming, and enjoying any Lands, Tenements, or Hereditaments, by, from, or under any ſuch Foreign Proteſtant, ſhall have, hold, occupy, poſſeſs and enjoy, and be intituled to the ſame, as fully and rightfully, as if the ſaid Lands, Tenements or Hereditaments, had deſcended from, or been granted or conveyed by any of his Majeſty's natural born Subjects of this Province; any Law, Cuſtom, or Uſage to the contrary hereof, in any-wiſe, notwithſtanding.

Not to extend to any Gift, &c. hereafter to be made by any of them.

IV. *PROVIDED always*, That nothing in this Act contained, ſhall be deemed or conſtrued to extend to any Gift, Grant, Deviſe, or other Meſne-Conveyance, hereafter to be made or executed by any Foreign Proteſtant, now reſiding, or hereafter to reſide within this Province.

CHAP. VII.

An Act, for the more effectual ſuppreſſing of Felonies, and Puniſhment of Counterfeiters of the Paper Currency of this Province, and of Virginia.

Preamble.

I. WHEREAS great Numbers of evil diſpoſed Perſons in the Frontier Parts of this Province, have aſſociated themſelves, and ſupport each other, in committing the henious Crimes of Murder, and other Felonies; and in counterfeiting the Paper Currency of this Province, and *Virginia*; and in fraudulently and deceitfully impoſing the ſame on the honeſt induſtrious Inhabitants of this Colony, in Defiance of Authority, and in open Violation and Contempt of all Laws: For Remedy whereof,

Pen. on Perſons indicted, refuſing to ſurrender themſelves.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, if any Perſon or Perſons, againſt whom any Bill of Indictment is found, or Preſentment made, for any Crime, which if ſuch Perſon is convicted of, Judgment of Death may be paſſed againſt him; or for counterfeiting, or paſſing counterfeit Money of this Province, or *Virginia*, or baſe Coin, knowing the ſame to be counterfeit or baſe; or ſhall make his or their Eſcape, after being apprehended or committed to Priſon for any of the Crimes or Offences above-mentioned, and ſuch Perſon ſhall neglect or refuſe to ſurrender him or themſelves to the Sheriff of the County wherein the Superior Court in which ſuch Perſon is ſo charged as aforeſaid, is held, on or before the laſt Day of the Superior Court of that Diſtrict which ſhall next follow the Court wherein ſuch Bill of Indictment hath been found, or Preſentment made; that in every ſuch Caſe, the Chief Juſtice,

Juſtice, or the Aſſiſtant, or Aſſociate Judge, for the Diſtrict in the Superior Court of which ſuch Offender hath been charged as aforeſaid, is hereby directed and impowered to ſeal and ſubſcribe as many Proclamations as there are Counties in ſuch Diſtrict; requiring and commanding ſuch Offender to ſurrender himſelf within Sixty Days next after the laſt Day of the Superior Court in which ſuch Proclamation ſhall be dated; and giving Notice to ſuch Offender, that unleſs he do not ſurrender himſelf accordingly, it will be lawful for any Perſon or Perſons to kill and deſtroy ſuch Offender. A. D. 1764.

Offenders refuſing to ſurrener themſelves, may be killed.

III. *AND be it further Enacted, by the Authority aforeſaid*, That if any ſuch Offender ſo charged, or who hath eſcaped as aforeſaid, ſhall refuſe or neglect to ſurrender himſelf within the Sixty Days limited in ſuch Proclamation, it ſhall and may be lawful for any Perſon or Perſons whatſoever, to kill and deſtroy ſuch Offender or Offenders: And in Caſe any Perſon ſhall be proſecuted for killing or deſtroying any ſuch Offender or Offenders, ſuch Perſon may plead the General Iſſue, and give this Act in Evidence.

Clerk to ſet up Proclamations at the Court-houſe, &c.

IV. *AND be it Enacted, by the Authority aforeſaid*, That the Clerk for the Time being, of each and every Superior Court within this Province, is hereby required and directed, to ſet up the ſaid Proclamations, ſealed and ſubſcribed as aforeſaid, at the Court-houſe, and each of the Churches and Chapels in each County within the Diſtrict of ſuch Superior Court, within Ten Days next after the Date of ſuch Proclamation.

Offenders apprehended, and ſtanding Tryal, may not be killed.

V. *AND be it further Enacted, by the Authority aforeſaid*, That if any Offender or Offenders, who hath neglected or refuſed to ſurrender him or themſelves at the Time herein before limited, or who hath eſcaped or broke Goal as aforeſaid, ſhall, at any Time afterwards be apprehended, or ſurrender himſelf as aforeſaid, and ſhall ſtand Tryal, and abide by the Award and Determination of the Superior Court wherein ſuch Offender hath been charged; that then, and in ſuch Caſe, it ſhall not be lawful for any Perſon or Perſons to kill or deſtroy ſuch Offenders; any Thing herein contained to the contrary notwithſtanding.

Premium for apprehending Offenders.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon ſhall apprehend any Offender or Offenders who hath eſcaped or neglected to ſurrender himſelf after the Time limited in the Proclamation, ſuch Perſon ſhall be allowed the Sum of Thirty Pounds, Proclamation Money, on Conviction of ſuch Offender: And the Public Treaſurers, or either of them, is hereby required to pay the ſame, on ſuch Perſon's producing a Certificate, ſigned by the Chief Juſtice, or the Aſſiſtant, or Aſſociate Judge of the Court wherein ſuch Perſon hath been ſo convicted; and the Treaſurer paying ſuch Sum, ſhall be allowed the ſame in ſettling his Accounts with the Public.

Continuance of the Act.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall be and continue in Force for and during the Term of Two Years, from and after th paſſing thereof.

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CHAP. VIII.

An Act, to continue an Act, intituled, An Act, to make Proviſion for paying the Chief Juſtice and Attorney-General's Salaries, and defraying the Contingent Charges of Government; *paſſed in the Year of our Lord One Thouſand Seven Hundred and Fifty-Eight.*

Recital.

I. WHEREAS an Act, intituled, *An Act, to make Proviſion for paying the Chief Juſtice and Attorney-General's Salaries, and defraying the Contingent Charges of Government,* being made temporary, will ſoon expire; and it being neceſſary the ſame ſhould be continued,

Act continued.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the ſaid recited Act ſhall continue and be in Force for and during the Term of Two Years, from and after the Expiration of the ſaid recited Act, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. IX.

An Act, for deſtroying Vermin in this Province.

Preamble.

I. WHEREAS this Province is very much infeſted with Wolves, and other Vermin, to the great Prejudice of the Inhabitants: For Remedy whereof,

Premium for killing Vermin.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That every Perſon who ſhall kill any of the Vermin herein after mentioned, within Ten Miles of a ſettled Plantation in this Province, ſhall be intitled to a Claim upon the County where ſuch Vermin ſhall be killed, to the ſeveral Rewards, as follows: For every Wolf, Ten Shillings. For every Panther, Ten Shillings. For every Wild-Cat, Two Shillings and Eight Pence; to be paid as hereafter directed.

Manner of obtaining Certificate for the Premium.

III. *AND be it further Enacted, by the Authority aforeſaid,* That any Perſon who ſhall have a Claim for killing any of the aforeſaid Vermin, are hereby directed to produce the Head or Scalp of the aforeſaid Vermin, with both Ears, before a Magiſtrate, who is to adminiſter an Oath to ſuch Perſon claiming the ſame, that it was taken and killed within the Bounds of ſuch County where the Claim ſhall be made: And if it be a Slave or *Indian* that ſhall kill any ſuch Vermin, of which the Head or Scalp ſhall be produced as aforeſaid, the Maſter or Owner of ſuch Slave or *Indian*, or he that makes Claim for ſuch Scalp or Scalps in Behalf of any Slave or *Indian*, ſhall make Oath before ſuch Magiſtrate, that he verily believes the ſame was taken and killed within the County wherein the ſame is claimed; which Oath being adminiſtered, the Magiſtrate is hereby directed to give a Certificate for the ſame; and the Magiſtrate ſhall immediatele cauſe ſuch Head or Scalp to be deſtroyed.

IV. *AND*

IV. *AND be it further Enacted, by the Authority aforeſaid*, That any Perſon having a Certificate from any ſuch Magiſtrate, ſhall, upon producing the ſame to the Court of the County where ſuch Certificate was obtained, be intituled to the Sum or Sums due upon ſuch Certificate or Certificates; which ſeveral Sums ſo paid ſhall be allowed by the Court, out of the County Tax.

Sums due on Certificates, to be paid by the Court.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the ſeveral Inferior Courts of Pleas and Quarter Seſſions within this Province, are hereby required, authoriſed, and impowered, to lay a Tax on the ſeveral taxable Perſons within the reſpective Counties, for diſcharging the ſaid Claims.

Tax to be laid, for Payment of them.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall be and continue in Force for and during the Term of Two Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

Continuance of the Act.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That all and every other Act and Acts, Clauſe and Clauſes thereof, within the Purview of this Act, is and are hereby from henceforth repealed and made void.

Repealing Clauſe.

CHAP. X.

An Act, for appointing Public Treaſurers.

I. WHEREAS it is highly expedient that Public Treaſurers be appointed, for the *Southern* and *Northern* Diſtricts of this Province, who may be authoriſed and impowered to receive the Public Taxes which now are, or hereafter may become due from the Sheriffs of the reſpective Counties within the ſaid Diſtricts reſpectively.

Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That *John Starkey*, Eſq; be, and is hereby appointed Public Treaſurer for the Counties of *Anſon*, *Beaufort*, *Bladen*, *Brunſwick*, *Craven*, *Carteret*, *Cumberland*, *Duplin*, *Dobbs*, *Hide*, *Johnſton*, *Mecklenburg*, *New-Hanover*, *Onſlow*, *Pitt*, and *Rowan*; and that *Joſeph Montfort*, Eſq; be, and is hereby appointed Public Treaſurer for the Counties of *Currituck*, *Paſquotank*, *Perquimons*, *Chowan*, *Bertie*, *Tyrrell*, *Northampton*, *Edgcomb*, *Granville*, *Orange*, *Hertford*, *Bute*, and *Halifax*: Which ſaid Treaſurers ſhall, before they enter upon their ſaid Offices, give Bond reſpectively, with ſufficient Securities, to our Sovereign Lord the King, his Heirs and Succeſſors, in the Sum of Ten Thouſand Pounds, lawful Money of *Great-Britain*, each, with Condition, that they, and each of them, will well and truly account for and pay to the General Aſſembly of this Province, when he and they ſhall be thereunto required, all Public Monies he or they ſhall, at any Time hereafter, receive on Account of Public Taxes, and for the faithful and regular Diſcharge of their ſaid Offices: Which Bonds ſhall be lodged in the Secretary's Office, and in Caſe of the Breach of the Condition thereof, may be recovered in any Superior Court of Juſtice within this Province.

Treaſurers appointed.

Who are to give Bond.

III. *AND*

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Impowered to receive Public Monies.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Treaſurers, and each of them, is and are hereby impowered and directed, to receive all Public Taxes, and the Sheriff of each of the ſaid reſpective Counties, is hereby required and directed, on or before the Tenth Day of *June*, Yearly, during the Continuance of this Act, to account with, upon Oath, and pay into the Hands of the ſaid Treaſurers reſpectively, all ſuch Monies as the ſaid Treaſurers, or either of them, are by this Act impowered to receive.

Their Commiſſions.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Treaſurers be allowed Five *per Cent.* for their Trouble, on all the Monies by them reſpectively received, and paid into the General Aſſembly as aforeſaid, except upon ſuch Sum or Sums as the Public Treaſurer for the *Northern* Diſtrict appointed by this Act, ſhall receive from the late Public Treaſurer of the ſaid Diſtrict, or from any Perſon or Perſons who hath or have acted for the ſaid Public Treaſurer; upon which Sum or Sums ſo received, no Commiſſions ſhall be allowed to the Public Treaſurer by this Act appointed.

Their Power, & what Penalties ſubject to.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Treaſurers ſhall have the ſame Powers and Authorities, and be ſubject to the ſame Pains, Penalties, and Reſtrictions, as Public Treaſurers were intitled or ſubject to, in and by an Act of Aſſembly paſſed at *Newbern* in *April*, One Thouſand Seven Hundred and Forty Eight.

Repealing Clauſe.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Act and Acts of Aſſembly, and all and every Clauſe and Clauſes of any Act or Acts of Aſſembly, relative to the Appointment of Public Treaſurers for this Province, within the Purview of this Act, are hereby repealed.

Continuance of the Act.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall be and continue in Force for and during the Term of Three Years, and from thence to the End of next Seſſion of Aſſembly, and no longer.

CHAP. XI.

An Act, for erecting in the Town of Halifax *a Public Goal, and Goaler's Houſe, for the Diſtrict of* Halifax, *in this Province.*

Preamble.

I. WHEREAS the Goal formerly erected for the Diſtrict of *Halifax*, was lately burnt down, and there being no Place of ſufficient Strength to ſecure the many Felons and other Miſdoers in that Diſtrict; by which Means Numbers of looſe and diſorderly Perſons are daily committing the moſt atrocious Crimes with Impunity: For Remedy whereof,

Truſtees appointed, for building a Goal.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, Mr. *Peter Copeland*, Mr. *James Young*, and Mr. *Nicholas Long*, ſhall be, and they are hereby appointed and conſtituted Truſtees, to deſign, contract for, and cauſe to be built and finiſhed, a ſubſtantial

ſubſtantial and ſufficient Goal and Goaler's Houſe, of ſuch Dimenſions and Materials, and on ſuch Part of the Public Lots in the ſaid Town of *Halifax*, as to them, or the Majority, or Survivors of them, ſhall ſeem moſt proper: Which Goal ſo erected, ſhall be and remain the Public Goal of the ſeveral Counties now conſtituting the Diſtrict of *Halifax*.

Tax laid for building the Goal.

III. *AND be it further Enacted, by the Authority aforeſaid*, That there ſhall be levied on each taxable Perſon within the ſeveral Counties in the ſaid Diſtrict, Annually, for the Term of Two Years next after the paſſing of this Act, the reſpective Sums following, *to wit*, On each taxable Perſon within the County of *Halifax*, the Sum of One Shilling, Proclamation Money; and on each taxable Perſon within the Counties of *Northampton*, *Granville*, *Bute*, *Orange*, *Johnſton*, and *Edgcomb*, the Sum of Eight Pence, Proclamation Money; which ſaid reſpective Taxes ſhall, by the Sheriff of each of the ſaid Counties for the Time being, be collected in the ſame Manner, and under the ſame Penalties for the Non payment thereof, as is directed by Law for the collecting other Public Taxes; and the Monies ariſing therefrom ſhall be paid by the ſaid Sheriffs reſpectively to the Truſtees in this Act named, to be by them, or the Majority or Survivors of them as aforeſaid, applied towards diſcharging the Contracts they ſhall enter into for the Buildings in this Act directed.

Surplus of the Tax laid for building a Wall round *Halifax* Goal, applied to the Purpoſes of this Act.

IV. AND whereas by an Act of Aſſembly paſſed at *Newbern*, intituled, *An Act, to lay a Tax on the Inhabitants of the ſeveral Counties of the Diſtrict of* Halifax *Superior Court, to repair the Public Priſon thereof, and other Purpoſes*, a Poll-tax was laid on the ſeveral Counties of *Halifax*, *Northampton*, *Edgcomb*, *Granville*, and *Johnſton*, for the building a Wall round the Priſon of the ſaid Diſtrict, and for other Purpoſes in that Act mentioned; which Act has not been fully carried into Execution: *Be it therefore Enacted, by the Authority aforeſaid*, That the Truſtees in that Act named ſhall account for, and pay unto the aforeſaid *Peter Copeland*, *James Young*, and *Nicholas Long*, or the Survivors of them, the Surplus which now is, or ſhall be in their Hands, of the ſaid Tax unapplied to the Purpoſes in that Act mentioned, to be applied towards the Buildings in this Act directed; and the Lot or Lots of Ground, together with the Court-houſe and Priſon at *Enfield*, where the County Court uſed formerly to be held, belonging to the County of *Halifax*, are hereby veſted in the aforeſaid *Peter Copeland*, *James Young*, and *Nicholas Long*, and the Survivors of them, to be by them ſold at Public Vendue, and the Monies ariſing therefrom to be by them alſo applied to the Purpoſes in this Act mentioned: And if the Taxes ariſing in Virtue of this and the before mentioned Act, ſhall be more than ſufficient to compleat the Buildings herein directed, the Surplus thereof ſhall, by the Truſtees herein named, be paid to the Court of each County firſt above mentioned, in Proportion to the Number of Taxables collected from each of the ſaid Counties, and paid by the Sheriffs to the ſaid Truſtees.

Remedy againſt Sheriffs for Non-Payment of the Taxes by this Act laid.

V. *AND be it further Enacted, by the Authority aforeſaid*, That if any Sheriff who ſhall be chargeable with any of the Taxes by this Act aſſeſſed, ſhall neglect or refuſe to account for and pay unto the Truſtees in this Act named, the whole Sums he ſhall be chargeable with in Virtue of this Act, after deducting the uſual Commiſſions for collecting, and ſuch Inſolvents as ſhall be allowed by the Court of his

A. D. 1764. County, the ſaid *Peter Copeland*, *James Young*, and *Nicholas Long*, or the Survivors of them, ſhall have the ſame Method of proceeding againſt ſuch Sheriff by Motion, as is by Law given againſt Sherifs for not accounting for other Public Monies by them received; and ſuch Proceedings ſhall be good and valid in Law in any Court of Record within this Province, Reſpect being had to the Juriſdiction of ſuch Court.

Truſtees to finiſh the Buildings in 2 Years, and lay an Account of their Proceedings before the Court.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Truſtees in this Act named, ſhall immediately proceed to the Diſcharge of the Truſt by this Act repoſed in them; and ſhall cauſe the ſaid Buildings to be finiſhed within Two Years from the paſſing of this Act, at fartheſt; and on the Expiration of that Term they ſhall lay an Account, upon Oath, of their Proceedings herein, with an Account of all Monies they ſhall receive by Virtue hereof, and the Sums paid by them on Account of the ſaid Buildings, before the Court of each of the Counties herein named, for their Approbation.

CHAP. XII.

An Act, for laying a Tax on the Inhabitants of the ſeveral Counties of the Diſtrict of Salisbury *Superior Court, to repair the Public Goal thereof.*

Preamble.

I. WHEREAS the Public Goal of *Salſbury* Diſtrict has, by Experience, been found inſufficient for the ſafe-keeping of Felons and others committed to the ſame: For Remedy thereof,

Tax laid for repairing the Goal in *Salſbury*, &c.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That a Poll-Tax of One Shilling Proclamation Money, be, and is hereby laid on each taxable Perſon within the County of *Rowan*, and a Poll-Tax of Eight Pence Proclamation Money, on each taxable Perſon within the Counties of *Anſon* and *Mecklenburg*, for the enſuing Year; which ſaid Tax ſhall be paid, collected, and diſtrained for, by the Sherifs of each County reſpectively, in the ſame Manner, and under the like Rules, Fines, Forfeitures, and Penalties, as other Taxes are by Law to be collected and diſtrained for; and ſuch Tax ſo collected by the ſaid Sherifs, ſhall be paid into the Hands of Mr. *John Frohock*, Mr. *William Giles*, and Mr. *John Mitchell*, or the Majority of them, on or before the Tenth Day of *January* which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty Five; who are hereby impowered and directed, or a Majority of them, to agree with Workmen for repairing the ſaid Goal in the Town of *Salſbury*, erecting a Wall round the ſame, and building a Goaler's Houſe thereto, in ſuch Manner as the ſaid Commiſſioners, or a Majority of them, ſhall think moſt proper; and the Monies ſo to be collected and paid, ſhall, by the ſaid Commiſſioners, or a Majority of them, be applied towards paying ſuch Workmen as aforeſaid, and the Overplus thereof, if any, ſhall by them be returned to the Juſtices of each of the ſaid Counties reſpectively, in Proportion to the Sums received from them; and to be by them applied towards defraying the Contingencies of each of the ſaid reſpective Counties.

III. *AND*

A. D. 1764.

III. *AND be it further Enacted, by the Authority aforeſaid,* That if any or either of the ſaid Sherifs aforementioned ſhall fail or neglect to pay the Money to be collected by Virtue of this Act, into the Hands of the ſaid Commiſſioners, or the Majority of them, on or before the ſaid Tenth Day of *January*, it ſhall and may be lawful, and the aforeſaid Commiſſioners, or the Majority of them, are hereby required to proceed againſt ſuch Sheriff ſo neglecting, in the Superior Court of *Salſbury* Diſtrict, or either of the Superior Courts within this Province, in the like Manner as Sherifs are to be proceeded againſt in other Caſes for Non-payment of Public Monies which they have received.

Proceedings againſt Sherifs neglecting to pay the ſaid Tax.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That after ſuch Buildings and Repairs ſhall be made as aforeſaid, when any Perſon or Perſons within the Diſtrict of *Salſbury* Superior Court ſhall be apprehended for any Criminal Offence, that on Conviction thereof would incur the Loſs of Life or Member, it ſhall and may be lawful for the Inferior Court, or Juſtice of the Peace, as the Caſe may be, before whom an Examination of ſuch Criminal ſhall be had, if ſuch Court or Juſtice ſhall think it neceſſary, to commit ſuch Criminal to the aforeſaid Goal; and the Sheriff of the County wherein ſuch Criminal ſhall be, is hereby directed and ordered to convey ſuch Criminal to the ſaid Goal, and deliver him or them to the Sheriff or Keeper thereof, and take a Receipt for ſuch Priſoner or Priſoners from the ſaid Sheriff or Keeper, which ſhall be his Diſcharge for ſuch Criminal or Criminals.

Criminals to be committed to the ſaid Goal.

V. *AND be it further Enacted, by the Authority aforeſaid,* That after ſuch Buildings and Repairs ſhall be made as aforeſaid, the Sheriff of the County of *Rowan* for the Time being, is hereby required and directed, when any Criminal ſhall be committed to the ſaid Goal, to employ ſome Perſon of Integrity to be Keeper thereof, who ſhall conſtantly reſide in the ſaid Goaler's Houſe during the Time ſuch Criminal ſhall be in Goal; and ſhall alſo take all lawful Means for preventing ſuch Criminal from eſcaping.

Keeper of ſaid Goal to be appointed.

CHAP. XIII.

An Act, to continue an Act, intituled, An Act, to amend and further continue an Act, intituled, *An Act, for facilitating the Navigation of Port* Bath, *Port* Roanoke, *and Port* Beaufort; paſſed the Thirty-firſt Day of *May*, One Thouſand Seven Hundred and Fifty-two, for Five Years.

Expired

I. BE it Enacted, *by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the before-recited Act, intituled, *An Act, to amend and further continue an Act, intituled,* An Act, for facilitating the Navigation of Port-*Bath*, Port-*Roanoke*, and Port-*Beaufort*, paſſed the Thirty Firſt Day of *May*, One Thouſand Seven Hundred and Fifty Two, for Five Years, and every Clauſe and Article thereof, be, and is hereby continued for the Space and Term of One Year, from and after the paſſing of this Act, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

Act continued.

CHAP.

A. D. 1764.

CHAP. XIV.

An Act, for erecting Part of St. Philip's *Pariſh, in* New-Hanover *County, and the lower Part of* Bladen *County, into a ſeparate County, by the Name of* Brunſwick *County; and for dividing the County of* Granville, *and erecting that Part thereof called St.* John's *Pariſh, into a ſeparate and diſtinct County, by the Name of* Bute *County.*

Private.

I. WHEREAS the great Extent of the reſpective Counties of *New-Hanover* and *Bladen*, render the Attendance of the Inhabitants of St. *Philip*'s Pariſh, in *New-Hanover* County, and the Inhabitants of the lower Part of *Bladen* County, to do Public Duties in their reſpective Counties, extremely difficult and expenſive:

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That that Part of *Bladen* County which lies to the *Weſtward* of the *Northweſt* Branch of *Cape-Fear* River, be divided from the upper Part of *Bladen* County, by a Line beginning at the upper Corner of a Tract of Land on which the Plantation of *John Grange* is ſituate, above the Mouth of *Beaver-dam* Creek, which Plantation lately belonged to Mr. *Robert Howe*, running from thence a direct Courſe to the *Eaſt* Side of the Lake on *Waggamaw* River; and from thence by a *Weſt* Line to the Bounds of the Province, ſo as to leave all the Inhabitants on the ſaid Lake in *Bladen* County; and that the ſaid Lower Part of *Bladen* County, together with all that Part of *New-Hanover* County called St. *Philip*'s Pariſh, except ſo much thereof as lieth to the *Northweſtward* of the dividing Line hereby directed to be run to the Lake, and from thence to the Bounds of this Province, be erected into a diſtinct County, by the Name of *Brunſwick* County.

III. *AND be it further Enacted, by the Authority aforeſaid*, That all that Part of St. *Philip*'s Pariſh which lyeth to the *Northweſtward* of the ſaid Line, to the *Eaſt* End of the Lake, and from thence to the Bounds of the Province, be annexed to, and it is hereby declared to be Part of *Bladen* County.

IV. AND for the due Adminiſtration of Juſtice; *Be it Enacted, by the Authority aforeſaid*, That from and after the Firſt Day of *March* next, an Inferior Court of Pleas and Quarter Seſſions for the ſaid County of *Brunſwick* ſhall be held, Quarterly, on the Third *Tueſdays* in *March*, *June*, *September*, and *December*, at the Town of *Brunſwick*, by Commiſſion to the Juſtices, in the ſame Manner as other Inferior Courts of Pleas and Quarter Seſſions are held within this Province: And the ſaid Inferior Court ſhall take Cognizance of all Matters, Suits and Things, and is hereby veſted with the ſame Powers, Juriſdictions and Authorities, that any other Inferior Court is, hath, or can have by Virtue of an Act, intituled, *An Act, to eſtabliſh Inferior Courts of Pleas and Quarter Seſſions in the ſeveral Counties in this Province.*

V. *AND*

A. D. 1764.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Juſtices to be appointed for the County of *Brunſwick*, are hereby directed to meet on the Third *Tueſday* in *March* next, at ſome convenient Place in the Town of *Brunſwick*, and take the Oaths by Law appointed for their Qualification; and the Juſtices of the ſaid County of *Brunſwick*, or any Three of them, after being ſo qualified, ſhall hold an Inferior Court of Pleas and Quarter Seſſions, at the Place and Times herein before appointed: And the ſaid Juſtices of the Peace, and every of them, at all Times during their Continuance in Office, as well within their Inferior Courts of Pleas and Quarter Seſſions as without, ſhall have and exerciſe the ſame Powers and Authorities, and be ſubject to the ſame Forfeitures and Penalties, as other Juſtices of the ſeveral Counties within this Province are liable to.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Juſtices of the ſaid County to lay a Poll-tax on the Inhabitants thereof, not exceeding One Shilling Proclamation Money, *per Annum*, for the Term of Two Years, for building a Court-houſe, Priſon, and Stocks, in the ſaid County, at the Town of *Brunſwick*; which ſaid Tax ſhall be collected by the Sheriff of the ſaid County, at ſuch Times, and in the ſame Manner, as other Taxes are collected, and ſhall be paid to the Perſon or Perſons who ſhall be impowered to receive the ſame.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Sheriff of the ſaid County of *New Hanover*, or the Sheriff of the ſaid County of *Bladen*, as the ſame Counties reſpectively ſtand undivided, to make Diſtreſs for any Tax, Levies, Fees, or other Dues, that ſhall be due from the Inhabitants of the ſaid Counties on the Tenth Day of *March*, in the ſame Manner as by the ſaid Sheriffs reſpectively could or might have been done if the ſaid Counties had remained undivided; and the ſaid Taxes, Levies, Fees, and other Dues, ſhall be collected and accounted for in the ſame Manner as if this Act had never been made; any Thing herein contained to the contrary notwithſtanding.

VIII. AND to the End that no Action commenced in *New-Hanover* County or *Bladen* County, be defeated by the Diviſion aforeſaid; *Be it Enacted, by the Authority aforeſaid*, That where any Action is already commenced in the County of *New-Hanover*, or in the County of *Bladen*, and the Parties or Evidences ſhall be Inhabitants of *Brunſwick* County, all ſubſequent Proceſs againſt ſuch Parties or Evidences ſhall be directed to be executed by the Sheriff of *New-Hanover* County, if ſuch Action was commenced in *New-Hanover* County, or to the Sheriff of *Bladen*, if ſuch Action was commenced in *Bladen* County, to the End and final Determination of the ſaid Cauſes; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, the ſaid County of *Brunſwick* ſhall be, continue and remain, Part of the Diſtrict of the Superior Court of Juſtice to be held at *Wilmington*, for the Counties of *New-Hanover*, *Bladen*, *Orſlow*, *Duplin*, and *Cumberland*; and the Juſtices of the Court of the ſaid County of *Brunſwick*, ſhall, and they are

A. D. 1764. hereby directed, at the Court to be held for the ſaid County next preceeding every Superior Court, to nominate Eight Freeholders, to ſerve as Grand and Petit Jurors at ſuch Superior Court; a Liſt of which Jurors ſo nominated ſhall be delivered by the Clerk of ſuch Court to the Sheriff, who ſhall and is hereby required to ſummon the Perſons ſo nominated to ſerve as Jurymen at the Superior Court of Juſtice held for the Diſtrict of *Wilmington*; which Jurymen ſo nominated, ſhall have and receive the ſame Allowances, and ſhall be under the ſame Rules, Fines, and Reſtrictions, as other Jurymen are in the reſpective Counties of this Province; and the Sheriff of the ſaid County of *Brunſwick* ſhall, from Time to Time, account for and pay to the Public Treaſurer for the *Southern* Diſtrict of this Province for the Time being, all Public Levies by him collected, or wherewith he ſhall ſtand chargeable, in the ſame Manner, and under the ſame Pains and Penalties, as other Sherifs of the ſaid Diſtrict.

X. AND whereas the Jurors appointed by the Jury Act to ſerve at the Superior Court for the Diſtrict of *Wilmington*, were limited to Sixteen for the County of *New-Hanover*; *Be it therefore Enacted, by the Authority aforeſaid*, That the Jurors attending the ſaid Superior Court, after the paſſing of this Act ſhall be only Eight for the ſaid County of *New-Hanover*; any Thing in the aforeſaid Act for appointing Jurors to the contrary notwithſtanding.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the ſeveral and reſpective Sherifs to be commiſſioned for the ſaid County of *Brunſwick*, ſhall be in the ſame Manner as is directed for appointing and commiſſioning the Sherifs in the other Counties in this Province; and the ſaid Sherifs ſo commiſſioned for the ſaid County of *Brunſwick*, ſhall account with and pay to the Treaſurer of the *Southern* Diſtrict all Monies which he ſhall or ought to receive, in the ſame Manner as other Sherifs; and ſhall have and exerciſe the ſame Powers and Authorities, and be liable to the Fines, Forfeitures, and Penalties, as are directed and inflicted by the ſeveral Acts of Aſſembly of this Province in ſuch Caſes made and provided.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the County of *Brunſwick* are hereby impowered and directed to employ, or cauſe to be employed, Workmen for building a Court-houſe, Stocks, Priſon and Pillory, in the ſaid Town of *Brunſwick*, for the Uſe of the ſaid County of *Brunſwick*; and the ſaid Court, and all Cauſes, Matters, and Things in the ſame depending, after ſuch Court-houſe ſhall be ſo built, ſhall ſtand adjourned from the Place where the Court ſhall before have been held, to the Court-houſe.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That *William Dry*, *Robert Howe*, *William Bartram*, *Hugh Waddle*, and *Robert Johnſton*, Eſqrs. be appointed Commiſſioners, and they, or any Three of them, are hereby impowered and directed, to run a dividing Line between the County of *Bladen*, and *Brunſwick* County, agreeable to the Directions in this Act beforementioned; which ſaid Commiſſioners ſhall be paid their neceſſary Expences for running the ſaid Lines, by the Court of their ſeveral Counties, out of the County Tax.

XIV. *PRO-*

A. D. 1764.

XIV. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed, or taken, to derogate from the Right and Royal Prerogative of his Majeſty, his Heirs and Succeſſors, of granting Letters of Incorporation to the ſaid County of *Brunſwick*, and directing the Election of a Member or Members to repreſent the ſaid County in General Aſſembly, of granting Markets and Fairs to be kept and held therein; but that the ſaid Right and Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his ſaid Majeſty, his Heirs or Succeſſors, in as full and ample Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made.

XV. AND whereas by Reaſon of the large Extent of the County of *Granville*, it is greatly inconvenient for the Inhabitants to attend the Courts of the ſaid County, General Muſters, and other Public Duties by Law required: *Be it Enacted, by the Authority aforeſaid*, That from and after the Tenth Day of *June* next, the ſaid County of *Granville* ſhall be divided into Two diſtinct Counties; and that all that Part of the ſaid County which is now called or known by the Name of the Pariſh of *Granville*, from and after the ſaid Tenth Day of *June*, ſhall be a diſtinct County, and remain to be called *Granville* County; and that all that Part of the ſaid County called and known by the Name of St. *John*'s Pariſh, ſhall, after the ſaid Tenth Day of *June*, be another diſtinct County, called by the Name of *Bute* County.

XVI. *AND be it further Enacted, by the Authbority aforeſaid*, That after the ſaid Tenth Day of *June*, a Court for the ſaid County of *Granville* ſhall be Quarterly held by the Juſtices thereof, at the Place in the ſaid County known by the Name of *Oxford*, upon the Days, and on the Times by Law appointed for that Purpoſe; and alſo, that a Court for the ſaid County of *Bute* ſhall be Quarterly held by the Juſtices thereof, on the Land of *Jethro Sumner*, at a Place known by the Name of the *Buffelo* Race-Paths, upon the Third *Tueſdays* in *February*, *May*, *Auguſt*, and *November*, in every Year, as by the Laws of this Province is or ſhall be provided, and as by Commiſſion, ſhall be directed to the Juſtices of the ſaid Counties reſpectively.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the ſaid Tenth Day of *June* next, all Cauſes, Pleas, Writs, Actions, Suits, Plaints, Proceſs, Precepts, Recognizances, and other Matters and Things in the ſaid County of *Granville* depending, ſhall ſtand adjourned and continue from the preſent Court-houſe to *Oxford*; and all Appearances and Returns of Proceſs ſhall be made on the Days by Law appointed for holding the ſaid Court at *Oxford*; and all Suitors and Witneſſes bound to appear thereat, in the ſame Manner as if the ſaid Court had not been removed from the preſent Court-houſe; and all ſubſequent Proceſs which ſhall or may iſſue on any Action which ſhall be commenced before the ſaid Tenth Day of *June* next, and not determined in the ſaid Court of *Granville*, ſhall be directed to, and executed by the Sheriff of the County of *Granville*, to the final Determination of ſuch Cauſes; any Law, Uſage or Cuſtom to the contrary, notwithſtanding.

XVIII. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſaid Tenth Day of *June*, the ſaid County of *Bute* ſhall be, continue, and remain Part of

A. D. 1764. of the Diſtrict of the Superior Court of Juſtice to be held at *Halifax*, for the Counties of *Northampton*, *Halifax*, *Edgcomb*, *Granville*, *Johnſton* and *Orange*; and the ſaid Juſtices of the Court of the ſaid County of *Bute* ſhall, and they are hereby directed, at the Inferior Court next before every Superior Court of the ſaid Diſtrict, to nominate Four Freeholders to ſerve as Grand and Petit-Jurors at ſuch Superior Court.

XIX. *AND be it further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Sheriff of the ſaid County of *Granville*, as it now ſtands, to make Diſtreſs for any Levies, Fees or other Duties, that ſhall be due from the Inhabitants of the ſaid County on the ſaid Tenth Day of *June*, in the ſame Manner as he might or could by Law have done if the ſame County had ſtill remained undivided; and the ſaid Levies, Fees and other Duties, ſhall be accounted for in the ſame Manner as if this Act had never been made; any Thing herein contained to the contrary notwithſtanding.

XX. AND whereas the Jurors appointed by the Jury Act to ſerve at the Superior Courts for the Diſtrict of *Halifax*, were limited to Eight for the County of *Granville*; *Be it therefore Enacted, by the Authority aforeſaid*, That the Jurors attending the ſaid Superior Court after the paſſing this Act, ſhall be only Four for the ſaid County of *Granville*; any Thing in the aforeſaid Act for appointing Jurors to the contrary notwithſtanding.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff of the ſaid County of *Bute* for the Time being, after the ſaid Tenth Day of *June*, ſhall account with and pay to the Public Treaſurer of the *Northern* Diſtrict of this Province, all Public Monies by him to be collected, under the ſame Rules and Reſtrictions, Fines, Penalties, Proceſs, and Remedies, as other Sheriffs are by Law ſubject to.

XXII. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed, or taken, to alter or derogate from the Right and Royal Prerogative of his Majeſty, his Heirs or Succeſſors, of granting Letters of Incorporation to the ſaid County of *Bute*, and of ordering, appointing, and directing the Election of a Member or Members to repreſent the ſame in General Aſſembly, and of granting Markets and Fairs to be kept and held in the ſaid Counties reſpectively; but that the ſaid Right and Prerogative ſhall be at all Times hereafter exerciſed by his ſaid Majeſty, his Heirs and Succeſſors, in as full and ample Manner to all Intents and Purpoſes whatſoever, as if this Act had never been made.

XXIII. *AND be it further Enacted, by the Authority aforeſaid*, That Mr. *Samuel Benton*, Mr. *Robert Harris*, and Mr. *Philip Taylor*, or a Majority of them, be, and are hereby appointed Commiſſioners, and are impowered and directed to agree and contract with Workmen for erecting and building a Court-houſe, Priſon, Pillory, and Stocks, for the Uſe of the ſaid County of *Granville*; and that Mr. *Solomon Alſton*, Mr. *William Johnſton*, and Mr. *Julius Nichols*, or a Majority of them, be, and are hereby appointed Commiſſioners, and are impowered and directed to agree and contract with Workmen for erecting and building a Court-houſe, Priſon, Pillory, and Stocks, for the Uſe of the ſaid County of *Bute*. XXIV. AND

A. D. 1764.

XXIV. AND for re-imburſing the ſaid Commiſſioners the Money they ſhall expend in erecting the ſaid Buildings; *Be it further Enacted, by the Authority aforeſaid*, That a Poll-tax of Three Shillings Proclamation Money, *per Annum*, ſhall be levied on each taxable Perſon in the ſaid Counties reſpectively, for Two Years, next after the Firſt Day of *November* next; and that all Perſons in either of the ſaid Counties who ſhall neglect to pay the ſaid Tax after the Firſt Day of *March* in each Year, ſhall thereafter be liable to the ſame Diſtreſs as for Non-payment of Public Taxes; and the Sheriff of each of the ſaid Counties are hereby required and directed, on or before the Tenth Day of *June* in the ſaid Years reſpectively, to account for and pay the ſaid Monies by them to be collected, to the Commiſſioners aforeſaid, after deducting Six *per Cent.* for his Trouble in collecting the ſame, (that is to ſay,) as much thereof as ſhall be levied on the taxable Perſons of the ſaid County of *Granville*, to the aforeſaid *Samuel Benton*, *Robert Harris*, and *Philip Taylor*, the Survivors or Survivor of them; and ſuch Part of the ſame as ſhall be levied on the taxable Perſons of the County of *Bute*, to the aforeſaid *Solomon Alſton*, *William Johnſton*, and *Julius Nichols*, the Survivors or Survivor of them; and in Caſe of Failure or Neglect therein by the Sheriff, he ſhall be liable to the ſame Penalties, Reſtrictions, and Remedy, for performing the Payment thereof, as by Law may be had againſt Sherifs who neglect or refuſe to account for and pay Public Taxes.

XXV. *PROVIDED nevertheleſs*, That if the Money ſo to be collected ſhall be more than ſufficient to anſwer the Purpoſes aforeſaid, the ſaid Commiſſioners reſpectively ſhall account for, and pay the Overplus thereof, to the Juſtices of the Court of the County for which they are hereby appointed Commiſſioners; to be applied towards defraying the contingent Charges of ſuch County.

CHAP. XV.

An Act, to impower the Sheriff of the County of Orange *for the Time being, to collect and apply the Arrears of the Taxes due in the ſaid County for the ſeveral Years therein mentioned.*

Private.

I. WHEREAS by Reaſon of the extenſive and unſettled Situation of the County of *Orange*, great Deficiencies have ariſen in the Collection of the Taxes for the ſaid County, for the Years One Thouſand Seven Hundred and Fifty Six, One Thouſand Seven Hundred and Fifty Seven, One Thouſand Seven Hundred and Fifty Eight, One Thouſand Seven Hundred and Fifty Nine, One Thouſand Seven Hundred and Sixty, and One Thouſand Seven Hundred and Sixty One; whereby the then Sherifs, and their Securities, are become liable to the Payment of large Sums, which they were unable to collect during their Continuance in the ſaid Office:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, the Sheriff of the ſaid County of *Orange* for the Time being, ſhall have full Power and Authority to receive and collect the Arrears of the Taxes due for the Years One Thouſand

A. D. 1764. Seven Hundred and Fifty Six, One Thouſand Seven Hundred and Fifty Seven, One Thouſand Seven Hundred and Fifty Eight, One Thouſand Seven Hundred and Fifty Nine, One Thouſand Seven Hundred and Sixty, and One Thouſand Seven Hundred and Sixty One, in the ſaid County, in the ſame Manner and Form as other Taxes are by Law to be collected.

III. *AND be it further Enacted*, That the Sheriff of the ſaid County for the Time being, do collect and receive ſuch deficient Taxes, according to the Liſt and Rates, for each of the ſaid Years reſpectively appointed.

IV. *PROVIDED neverthelefs*, That if any Perſon againſt whom any Demand for ſuch deficient Taxes ſhall be made, ſhall produce a Receipt or Receipts of his having paid the ſame; or in Caſe of the Loſs or miſlaying of ſuch Receipt or Recepts, ſhall make Oath before any Juſtice of the Peace within Ten Days after ſuch Demand made, of his having paid and diſcharged the ſame, or Part thereof, or that he was not at that Time a Taxable in the ſaid County, and obtain a Certificate of the ſame from ſuch Juſtice, ſuch Perſon ſhall be exonerated and cleared from the ſaid Demand, either in Part or Whole, as the Caſe may be.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff of the County of *Orange* for the Time being, ſhall, within Two Months after the paſſing of this Act, give Public Notice, by advertiſing the ſame at the Court-houſe, and other Places of Reſort in the ſaid County, of the Time and Place he ſhall attend to receive ſuch deficient Taxes, at leaſt One Month before he ſhall make Diſtreſs for the ſame; and all Perſons paying the ſame on or before the Time appointed by ſuch Notice, ſhall not be liable to any Coſt or Charge.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons ſhall fail to pay ſuch deficient Taxes agreeable to this Act, it ſhall and may be lawful for the Sheriff of the ſaid County for the Time being, to make Diſtreſs for the ſame in the ſame Manner as by Law appointed for Sherifs to diſtrain in other Caſes, and ſhall take and receive the uſual Fees upon the ſame; and the ſaid Sheriff of the ſaid County for the Time being, ſhall be intitled to the ſame Fees for receiving and collecting ſuch deficient Taxes, as are by Law allowed to Sherifs for ſuch Services.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff or Sherifs of the ſaid County of *Orange*, concerned in the collecting and receiving ſuch deficient Taxes, ſhall account for the ſame by him or them reſpectively received by Virtue of this Act, on or before the Tenth Day of *October* next, which will be in the preſent Year of our Lord One Thouſand Seven Hundred and Sixty Four, by paying ſuch deficient Taxes ſo by him collected, into the Hands of Mr. *Tyree Harris*, to be applied as hereafter ſhall be directed: And the ſaid Sheriff or Sherifs ſo collecting or receiving ſuch deficient Taxes as aforeſaid, ſhall diſtinguiſh, and render a ſeparate Account of the reſpective Sums by him or them collected for each of ſuch deficient Years, ſeparately; and in Caſe of his or their Refuſal or Neglect to

to comply with the Direction of this Act, it ſhall and may be lawful to have ſuch Proceedings and Remedy againſt him or them, as againſt Sherifs in the like Caſes are provided. A. D. 1764.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That all ſuch Sums of Money ſo to be collected by the ſaid Sheriff or Sherifs, and by them to be accounted for and paid into the Hands of the ſaid *Tyree Harris*, ſhall be by him applied to reimburſe, ſatisfy, and diſcharge ſuch Payments, Damages or Executions, which the Securities for the Perſons acting as Sherifs for each of ſuch deficient Years reſpectively, may, actually and *bona fide*, appear to have ſuffered at this Time, or any Time before a final Application of the Money ſo to be received and applied under the Directions of this Act: And if the Sums ſo to be collected and received ſhall not be ſufficient for diſcharging the Whole of ſuch Damages, Executions, or Payments, then, and in that Caſe, the ſaid *Tyree Harris* is hereby directed and impowered, to apply ſuch Sums ſo collected and received, in Proportion to the Loſs or Damage by any Security or Securities actually ſuſtained as aforeſaid, and the Amount of the deficient Taxes received for the particular Years in which they were Securities; and the ſaid *Tyree Harris* is hereby enjoined and directed, to make out ſuch proportionable Application of the Money ſo by him to be received, according to the true Intent and Meaning of this Act, and within Three Months after the Receipt of ſuch deficient Taxes ſo to be collected as aforeſaid: And further, that he do, upon Oath, lay an Account of his Proceedings therein before the next ſucceeding Court of the ſaid County, with a particular Account of all Monies he ſhall have received by Virtue hereof, diſtinguiſhing the Amount received for each of ſuch deficient Years, and the particular Manner and Proportion in which he hath applied the ſame: Which Account the ſaid Court are hereby impowered to require from him, and to make ſuch final Order or Alterations, upon due Examination of the whole Proceedings therein, as they ſhall judge fit; any Law or Uſage to the contrary in any-wiſe notwithſtanding.

CHAP. XVI.

An Act, for aſcertaining a proper Place for building thereat a Court-houſe, Clerk's Office, Priſon and Stocks, for the County of Edgcomb.

I. WHEREAS *Redman's Oldfield*, on *Tyoncoca*, the Place heretofore appointed for building thereat a Court-houſe, Priſon and Offices, and for holding thereat the Court for the ſaid County, is found to be inconvenient and very improper for that Purpoſe; and the Juſtices of their Seſſions for that County having certified the ſame to this Aſſembly, and recommended the Town of *Tarborough* as the moſt proper Place for that Purpoſe, and the Inhabitants of the ſaid County having petitioned for the ſame: Private.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That Mr. *Aquila Sugg*, Mr. *William Haywood*, Mr. *Joſeph Howel*, Mr. *Sherwood Haywood*, and Mr. *James Hall*, or a Majority of them, ſhall and may, and

A. D. 1764. and they are hereby required and directed, to agree and contract with Workmen for the building and erecting a ſuitable and ſufficient Court-houſe, Clerk's Office, Priſon and Stocks, for the Uſe of the ſaid County, in the Town of *Tarborough*, on ſuch Parts of the Lots ſet a-part by the Commiſſioners or Truſtees for the ſaid Town, as to them ſhall ſeem moſt proper.

III. *AND be it further Enacted, by the Authority aforeſaid*, That a Poll-tax of Two Shillings, Proclamation Money, be levied on each Taxable Perſon within the ſaid County of *Edgcomb*, Annually, for Two Years next after the paſſing of this Act; which Tax ſhall be collected by the Sheriff of the ſaid County of *Edgcomb*, in the ſame Manner, and under the ſame Rules, and the ſame Penalties, as other Taxes are by Law to be collected; and the Money ariſing from the Tax aforeſaid, as the ſame is collected by the Sheriff of the ſaid County, ſhall be accounted for and paid to the aforeſaid *Aquila Sugg*, *William Haywood*, *Joſeph Howel*, *Sherwood Haywood*, and *James Hall*, to be applied by them in Diſcharge of their Contracts for the Buildings in this Act mentioned; and the Overplus thereof (if any) ſhall by the ſaid Truſtees be accounted for and paid to the Juſtices of the ſaid County of *Edgcomb*, to be by them applied towards the contingent Charges of the County, in Aid of the County Tax.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That if the Sheriff of the ſaid County who ſhall receive the Tax by this Act aſſeſſed, ſhall neglect or refuſe to account for and pay the ſame to the Truſtees in this Act named, after deducting the uſual Commiſſions for collecting, and ſuch Inſolvents as ſhall be allowed him by the Court of the ſaid County; it ſhall and may be lawful for the Superior Court for the Diſtrict of *Halifax*, either before, or at any Time after the Expiration of the Office of ſuch Sheriff, on Motion of the Truſtees in this Act named, or the Survivors of them, to enter up Judgment againſt ſuch Sheriff for all the Monies wherewith he ſhall be chargeable by Virtue of this Act, with Coſts; and thereupon award Execution againſt the Goods and Chattels, Lands and Tenements of ſuch Sheriff. *Provided always*, The ſaid Sheriff ſhall have Ten Days previous Notice of ſuch Motion.

V. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, the Inferior Court of Pleas and Quarter Seſſions for the County of *Edgcomb*, ſhall be conſtantly held by the Juſtices of the ſaid County at ſome convenient Houſe in the Town of *Tarborough*, to be appointed by the ſaid Juſtices, on the Fourth *Tueſdays* in *April*, *July*, *October* and *January*, Yearly, until the Court-houſe for the ſaid County be built: And all Cauſes, Pleas, Writs, Actions, Suits, Plaints, Proceſs, Precepts, Recognizances, Indictments, Preſentments, and other Matters and Things in the ſaid Court of *Edgcomb* depending, immediately after paſſing of this Act, ſhall ſtand adjourned and continue, and are hereby adjourned and continued from the Court-houſe at *Redman's Old-field*, on *Tyoncoca* aforeſaid, to the Court to be held for the ſaid County in the Town of *Tarborough*, as in this Act is above directed; and all Appearances and Returns of Proceſs ſhall be made to the Inferior Court of Pleas to be held for the ſaid County at the Town aforeſaid; and all Suitors and Witneſſes ſhall be bound to appear thereat, in the ſame Manner, and under the ſame Penalties, as if the ſaid Court had been continued at the ſaid *Redman's Old field*.

VI. *AND*

VI. *AND be it further Enacted, by the Authority aforeſaid*, That ſo much of one Act of Aſſembly paſſed at *Edenton*, intituled, *An Act, for dividing* Edgcomb *County*, as comes within the Purview of this Act, ſhall be henceforth repealed. *A. D.* 1764.

CHAP. XVII.

An Act, directing the boundary Line between the Counties of Dobbs *and* Pitt; *and appointing Commiſſioners to ſee the ſame run.*

Private.

I. WHEREAS the Act of Aſſembly, intituled, *An Act, for erecting the upper Part of* Beaufort *County into a County and Pariſh, by the Name of* Pitt *County, and St.* Michael's *Pariſh*; *and for adjourning the Court from the Court-houſe on the Land of* Thomas Bonner, *to the Court-houſe in* Bath *Town*; *and other Purpoſes therein mentioned*; no Commiſſioners were appointed by the ſaid Act for running the Boundary Line between the Counties of *Dobbs* and *Pitt*; by Reaſon whereof the Line has never been run, and the Inhabitants within the diſputed Bounds refuſe to give in a Liſt of their Taxables, or pay their Taxes in either of the ſaid Counties: For Remedy whereof,

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That Mr. *Richard Caſwell*, Mr. *John Simpſon*, and Mr. *William Wilſon*, be appointed Commiſſioners, and they are hereby impowered and required to run the ſaid dividing Line between the Counties of *Dobbs* and *Pitt*; from *Blount*'s Ford on *Little-Cotentney* Creek to *Luke White*'s, then up the *Middle-ſwamp* to *William Wilſon*'s, and from thence to the neareſt Part of *Edgcomb* County; which ſaid Lines when run by the Commiſſioners aforeſaid, or any Two of them, ſhall be by them entered on Record in the Court of each of the ſaid Counties of *Dobbs* and *Pitt*, and ſhall thereafter be deemed and taken to be the dividing Lines between the ſaid Counties.

III. AND for defraying the Charge of running the ſaid Line; *Be it further Enacted, by the Authority aforeſaid*, That the Inferior Courts of each of the ſaid Counties of *Dobbs* and *Pitt*, ſhall lay a ſufficient Poll-tax on the Inhabitants of their reſpective Counties, which ſhall be levied in the ſame Manner as other Public Taxes, as ſhall be ſufficient to pay and ſatisfy their reſpective Commiſſioners for the Charge and Trouble in running the aforeſaid Line.

CHAP. XVIII.

An Act, for altering the Dividing Line between the Counties of Bladen *and* Cumberland.

Private.

I. WHEREAS the Dividing Line between the Counties of *Bladen* and *Cumberland*, running *Northeaſt* and *Southweſt*, is found to be inconvenient to the Inhabitants of both the ſaid Counties;

A. D. 1764.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the paſſing of this Act, the Dividing Line between the ſaid Counties of *Bladen* and *Cumberland*, ſhall begin at the Mouth of *Rock-fiſh*, and ſhall run a due *Eaſt* Courſe to *Black* River, and from the Mouth of *Rock-fiſh* Creek, up the ſaid Creek to *Gravely-hill*, and from thence a due *Weſt* Courſe to *Drowning-Creek*; and all the Lands to the *Northward* of the ſaid Line, ſhall, from henceforth, be deemed and held to be a Part of *Cumberland* County; and all the Lands to the *Southward* of the ſaid Line, ſhall be deemed and held to be a Part of *Bladen* County; any Law to the contrary notwithſtanding.

III. *AND be it further Enacted, by the Authhority aforeſaid,* That Mr. *Iſaac Jones*, Mr. *Farquhard Campbell*, and Mr. *Walter Gibſon*, be, and are hereby appointed and authoriſed Commiſſioners, and are hereby impowered and directed to run the ſaid Line between the ſaid Counties of *Bladen* and *Cumberland*.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That the Juſtices of the Peace of the ſaid County of *Cumberland*, are hereby impowered and directed, to defray the Expences of running the ſaid Dividing Line, out of the County Tax.

V. *AND be it further Enacted, by the Authority aforeſaid,* That nothing herein contained ſhall be conſtrued to debar the Sheriffs of the aforeſaid Counties, as the ſame now ſtand, to make Diſtreſs for any Levies, Fees, or other Dues, that are now due, or that ſhall be due the Tenth Day of *March* next from the Inhabitants of the ſaid Counties; but that they may make Diſtreſs in the ſame Manner as by the Law the ſaid Sheriffs could or might have done if the ſaid Dividing Line had remained without Alteration; and the ſaid Levies, Fees, and other Dues, ſhall be collected and accounted for in the ſame Manner as if this Act had never been made; any Thing herein contained to the contrary notwithſtanding.

CHAP. XIX.

An Act, for annexing Part of Craven *County to* Dobbs *County.*

Private.

I. WHEREAS the Inhabitants reſiding in that Part of *Craven* County lying on the *Southermoſt* Side of the *Southweſt* Creek, and the upper Branches of *Trent* River, labour under great Hardſhips, Fatigue, and Inconveniences, in attending the Inferior Courts, and other Public Meetings in the ſaid County at *Newbern*, where the ſame are generally held and called; and as the ſaid Inhabitants are more contiguous to *Dobbs* County, where they can, with greater Eaſe and Convenience attend, are deſirous of being annexed thereto:

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That Mr. *Joſeph Leech*, Mr. *Richard Caſwell*, and Mr. *Francis Mackilwean*, be, and they are hereby appointed Commiſſioners; and they, or a Majority of them, are required and directed, within Three Months after the paſſing of this Act, to run and mark, or cauſe to be run and marked, a Line from the *South-weſt*

weſt Bridge near *James Caddell*'s to *Carnegy*'s Old-field and *Rattle-ſnake* Branch; then a direct Line to *William Randal*'s Mill on *Trent* River; then to a Place where *Abraham Bailey* lately lived; and from thence *South* to the Bounds of *Onſlow* County; and that all that Part of *Craven* County lying to the *Weſtward* of thoſe Lines be annexed to *Dobbs* County; and the Inhabitants thereof ſhall be liable and ſubject to the ſame Duties, Taxes and Impoſitions, and intitled to the ſame Privileges, Benefits and Advantages, as the other Inhabitants of the ſaid County of *Dobbs*. A. D. 1764.

III. *PROVIDED always*, That nothing herein contained ſhall be conſtrued to debar the Sheriff of *Craven* County from making Diſtreſs for any Levies, Fees, or other Dues, which are, or ſhall be due on the Tenth Day of *March* next, from the Inhabitants of that Part of *Craven* County by this Act annexed to *Dobbs* County, in the ſame Manner as by Law the ſaid Sheriff might or could have done if this Act had never been made; any Thing herein contained to the contrary notwithſtanding.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Act and Acts of Aſſembly of this Province, and each and every Clauſe and Article thereof, ſo far as relates to any Matter or Thing within the Purview of this Act, is and are hereby repealed and made void to all Intents and Purpoſes, as if the ſame had never been made.

CHAP. XX.

An Act, for the building a Houſe for a School, and the Reſidence of a School-Maſter, in the Town of Newbern.

I. WHEREAS the Inhabitants of the Town of *Newbern*, and *Craven* County, for the encouraging and promoting of Learning, are willing and deſirous of building a Houſe for a School, with proper Conveniences for the Reſidence of a School-Maſter, in the ſaid Town, by Subſcription; and Part of the Four Lots formerly appropriated for the building of a Church on, and other Purpoſes, by an Act of Aſſembly paſſed the Twenty Firſt Day of *Auguſt*, One Thouſand Seven Hundred and Forty, being deemed the moſt proper and convenient Part of the ſaid Town for the ſame: Private.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That Half of Two of the ſaid Lots, known in the Plan of the ſaid Town by the Numbers of 59, and 60, beginning at the Corner of *Craven* and *Pollock* Streets, and running along *Pollock* Street Six Poles and a half; then a croſs the ſaid Two Lots Number 59 and 60, in a parallell Line with *Craven* Street, Thirteen Poles to the *North* Side of Lot Number 60; then along the ſaid Lot in a parallell Line with *Pollock* Street to *Craven* Street; then along *Craven* Street Thirteen Poles to the Beginning; ſhall, and is hereby veſted in the Reverend Mr. *James Reed*, Mr. *John Williams*, Mr. *Joſeph Leech*, Mr. *Thomas Clifford Howe*, Mr. *Thomas Haſlen*, Mr. *Richard Cogdell*, and Mr. *Richard Fenner*, and their Succeſſors,

A. D. 1764. as Truſtees, for the Uſes and Purpoſes aforeſaid, for ever, and for no other Uſe or Purpoſe whatſoever; and they the ſaid Truſtees, and their Succeſſors, or the Majority of them, are hereby inveſted with full Power and Authority to make ſuch Rules and Orders from Time to Time as to them ſhall ſeem moſt proper, for the building, encouraging, and regulating the ſame; and ſhall and may, from Time to Time, appoint ſuch Perſon or Perſons as they ſhall judge moſt fit and proper to keep the ſaid School; and on the Miſbehaviour of any Schoolmaſter, to appoint ſuch other Perſon as they ſhall judge more proper, in the Room and Stead of ſuch miſbehaving Schoolmaſter.

III. AND in Order that the Number of the ſaid Truſtees may be kept up; *Be it further Enacted, by the Authority aforeſaid*, That on the Death or Removal out of the Province of any of them, it ſhall and may be lawful for the Majority of the remaining Part of them, together with a Majority of the ſurviving Perſons who ſhall ſubſcribe and pay to the Amount of Five Pounds towards building and promoting the ſaid School, who ſhall be preſent at any Election herein after directed, from Time to Time, as often as Occaſion ſhall require, to chooſe at the ſaid School-Houſe, ſome other Perſon in the Room and Stead of every ſuch Truſtee, they the ſaid ſurviving Truſtees firſt giving due Notice to the ſaid Subſcribers, of the Time ſuch Choice is to be made, by giving at leaſt Ten Days Notice thereof, by putting up Advertiſements at the Church and ſaid School-Houſe Doors.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.

JAMES MURRAY, Preſident.

JOHN ASHE, Speaker.

Read Three Times, and ratified in open Aſſembly, the Ninth Day of *March*, 1764.

A. D. 1764.

ANNO REGNI GEORGII III. REGIS, MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ, QUINTO.

At an ASSEMBLY begun and held at *Wilmington*, the Thirtieth Day of *January*, in the Fourth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great-Britain*, *France* and *Ireland*, King, Defender of the Faith, &c. and from thence continued, by Prorogation, to the Twenty-fifth Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and Sixty-four, being the Second Seſſion of this preſent Aſſembly.

ARTHUR DOBBS, Eſq; Governor.

CHAP. I.

An Act, to amend and continue an Act, intituled, An Act, for dividing this Province into Five ſeveral Diſtricts; and for eſtabliſhing a Superior Court of Juſtice in each of the ſaid Diſtricts; and regulating the Proceedings therein.

I. WHEREAS it has been doubted, whether the Chief Juſtice of this Province for the Time being, has Power given him by Law to hold either of the Superior Courts in the Abſence of his Aſſociate: For Remedy whereof, Preamble.

II. *BE it Enacted, by the Governor, Council and Aſſembly, and by the Authority of the ſame,* That from and after the paſſing this Act, it ſhall and may be lawful for the Chief Juſtice for the Time being, to hold all and every one of the ſaid Superior Chief Juſtice alone may hold the Superior Courts.

A. D. 1764. Courts by himſelf, in the Abſence of his Aſſociate; and he is hereby declared to have full Power, to all Intents and Purpoſes, to have, uſe and exerciſe, the ſame Power, Juriſdiction and Authority, in every Reſpect, as the ſaid Chief Juſtice and his Aſſociate might have lawfully uſed and exerciſed before the paſſing this Act.

Writs of Error, Special Verdicts, &c. when to be heard.

III. AND whereas it hath been found inconvenient, that Cauſes ſet for Argument, ſhould be heard and determined within the four laſt Days of the Term: For Remedy whereof, *Be it Enacted, by the Authority aforeſaid*, That for the future, all Arguments, Writs of Error, Special Verdicts, Caſes agreed, Demurrers, Petitions for Legacies, and Diſtributions of Inteſtates Eſtates, ſhall be heard and determined within the Four firſt Days of the Court.

Proviſo, for Jury Cauſes, or Arguments in the above Caſes.

IV. *PROVIDED neverthelſs*, That nothing herein contained ſhall be conſtrued to bar or hinder the Court from the Trial of Jury Cauſes in any of the ſaid firſt Four Days, or hearing any Argument in any of the above Caſes on any other Day of the Court.

Additional Salary allowed the *Saliſbury* Aſſociate.

V. AND whereas the Allowance by Law for the Aſſociate of *Saliſbury* Diſtrict, is found inadequate for his Trouble and Expence; Therefore, *Be it Enacted, by the Authority aforeſaid*, That for the future, the Aſſociate for the ſaid Diſtrict ſhall have and receive the Sum of Twenty Five Pounds, Proclamation Money, for every Court he ſhall hold, as an additional Salary; to be paid him in the ſame Manner, and at the ſame Time, as he is to receive his Salary by Virtue of the aforeſaid Act for eſtabliſhing Superior Courts.

Superior Court Act inforced for Two Years.

VI. AND whereas the before recited Act for eſtabliſhing Superior Courts, will expire at the End of the next Seſſion of Aſſembly that ſhall be held after the Firſt Day of *January* next; and the ſame, by Experience, has been found of general Utility to this Province; Therefore, *Be it Enacted, by the Authority aforeſaid*, That the aforeſaid Act of Aſſembly ſhall continue and be in Force, from and after the Firſt Day of *January* next, for and during the Term of Two Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer; any Law to the contrary notwithſtanding.

CHAP. II.

An Act, to amend and continue an Act, intituled, An Act, to eſtabliſh Inferior Courts of Pleas and Quarter Seſſions, in the ſeveral Counties in this Province.

Preamble.

I. WHEREAS the ſeveral Days appointed by the aforeſaid Act, for holding the Inferior Courts of the Counties of *Halifax*, *Edgcomb*, *Bute*, *Orange*, *Northampton*, *Bertie*, and *Carteret*, have been found inconvenient for thoſe whoſe Buſineſs it is to attend ſuch Courts: For Remedy whereof,

II. *BE*

Time of holding ſeveral Inferior Courts.

II. *BE it Enacted, by the Governor, Council and Aſſembly, and by the Authority of the ſame,* That from and after the Firſt Day of *December* next, the Inferior Courts of Pleas and Quarter Seſſions for the aforeſaid ſeveral Counties, ſhall be held on the Days following, inſtead of the Days heretofore appointed for holding ſuch Courts; *to wit, Halifax*, on the Firſt *Tueſday* in *January, April, July* and *October*. *Edgcomb*, on the Second *Tueſday* in *January, April, July* and *October*. *Bute*, on the laſt *Tueſday* in *January, April, July* and *October*. *Granville*, on the Firſt *Tueſday* in *February, May, Auguſt* and *November*. *Orange* and *Northampton*, on the Second *Tueſday* in *February, May, Auguſt* and *November*. *Bertie*, on the Fourth *Tueſday* in *March, June, September* and *December*. *Carteret*, on the Third *Tueſday* in *March, June, September* and *December*, in every Year.

Power of the late Inf. Courts given to the Courts hereby eſtabliſhed; to take Cognizance of ſol.

III. *AND be it further Enacted, by the Authority aforeſaid*, That in all Caſes, wherein by any Act of Aſſembly, Action is given, or Recovery directed to be had, in any County Court, or in any of the late Inferior Courts of Pleas and Quarter Seſſions, or where any Power or Authority is given to either of the ſaid Courts, ſuch Action ſhall and may be tried, and ſuch Power and Authority is hereby declared to be veſted in the Juſtices of the reſpective Inferior Courts by the ſaid Act eſtabliſhed. *Provided*, nothing herein expreſſed, ſhall be conſtrued to impower the ſaid Inferior Courts to take Cognizance of any Matter or Thing by civil Action where the Plaintiff's Demand ſhall exceed Twenty Pounds, Proclamation Money.

Method of Recovery againſt Clerks for Fees due the Govern.

IV. AND whereas the Method appointed by Act of Aſſembly for obliging the Clerks of the Inferior Courts to account with the Governor or Commander in Chief for the Time being, hath proved ineffectual; *Be it further Enacted, by the Authority aforeſaid*, That when a Motion ſhall be hereafter made againſt any Clerk for Fees, which ſuch Clerk ought to be accountable for to the Governor or Commander in Chief, the Sum ſuppoſed to be due, ſhall be ſpecified in the Notice ſerved on ſuch Clerk, (at leaſt Ten Days before ſuch Motion) who, on appearing thereto, ſhall render an Account, upon Oath, for all ſuch Monies as he hath, or ought to have received for ſuch Governor or Commander in Chief, and pay the ſame; and on failure ſo to do, the Court ſhall give Judgment for the whole Sum mentioned in ſuch Notice, and award Execution thereon.

Actions, &c. in the late Courts, continued to the Days and Times appointed by this Act.

V. *AND be it further Enacted, by the Authority aforeſaid*, That all Actions, Suits, Writs, Proceſs, Petitions, Indictments, Informations or Preſentments whatſoever heretofore commenced in, iſſued from, or returnable to, the reſpective Courts, the Time for holding of which is altered by this Act, ſhall be and are hereby continued to the particular Days and Times hereby appointed; and all Subpœnas for Witneſſes and Recognizances for the Appearance of Perſons at the ſaid Courts, as effectual as if the particular Day for holding any of the ſaid Courts had been mentioned therein; and the Perſons ſummoned as Witneſſes, and entering into ſuch Recognizances, bound to appear accordingly.

Inferior Court Act continued in

VI. AND whereas the aforeſaid Act of Aſſembly will expire on the Firſt Day of *January* next; and the ſame, by Experience, has been found to be of general Utility to this Province; *Therefore, be it Enacted, by the Authority aforeſaid*, That the aforeſaid

Act

A. D. 1764. Force for Two Years.

Act ſhall continue and be in Force, from and after the Firſt Day of *January* next, for and during the Term of Two Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer; any Law to the contrary notwithſtanding.

CHAP. III.

An Act, for continuing and amending an Act, intituled, An Act, directing the Method of appointing Jurymen in all Cauſes, Criminal and Civil.

Preamble.

I. WHEREAS the ſaid recited Act will ſoon expire, and ſome Defects have, by Experience, been found therein, which renders it neceſſary to continue and amend the ſame;

Special Juries in Land Cauſes, who are to view the Premiſſes.

II. *BE it therefore Enacted, by the Governor, Council and Aſſembly, and it is hereby Enacted, by the Authority of the ſame,* That from and after the paſſing of this Act, Suits depending or proſecuted in any of the Superior Courts of Juſtice within this Province, wherein the Title or Bounds of Land ſhall come in Queſtion, if it ſhall appear to the Court that it will be neceſſary that the Jurors who are to try the Iſſue joined in any ſuch Suit, ſhould have a View of the Meſſuages, Lands or Place in Queſtion, in order to their better underſtanding the Evidence that will be given upon the Trial of ſuch Iſſue; in every ſuch Caſe the Court in which ſuch Suit ſhall be depending, may (on Reaſons being ſhewn, and approved by ſuch Court) order ſpecial Writs of *Venire Facias,* or *Habeas Corpora,* to iſſue, by which the Sheriff or ſuch other Officer to whom the ſaid Writ ſhall be directed, ſhall be commanded to have the Jurors named in ſuch Writ, or Six of them at leaſt, at the Place in Queſtion, ſome convenient Time before the Trial of ſuch Cauſe; who then and there ſhall have the Matter in Queſtion ſhewn to them, by Two Perſons in the ſaid Writ named, and to be appointed by the Court; and the Sheriff or other Officer ſhall certify on the ſaid Writ, what Proceedings have been had thereon.

How to be ſtruck.

III. *AND be it further Enacted, by the Authority aforeſaid,* That where a View ſhall be ordered as aforeſaid, the Jury appointed for that Purpoſe, ſhall be ſtruck in Manner following, *to wit,* The Plaintiff and Defendant, or their Attornies, ſhall deliver to each other, a Liſt containing the Names of Twelve honeſt Freeholders, inhabiting within the Diſtrict of the Court ordering ſuch View; and each Party having ſtruck out Six of the Names on the ſaid Liſt, the Perſons whoſe Names are remaining thereon, ſhall be the Jurors to have ſuch View; and if either Party ſhall refuſe to comply with the Directions of this Act in ſtriking ſuch Jury, the Court ſhall ſtrike Six Jurors in the Stead of him ſo refuſing.

Special Jurors to be firſt ſworn.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That when a ſpecial Jury ſhall be allowed as aforeſaid, Six of the Jurors named in the Pannel, or more, who have had ſuch view, and appear, ſhall be firſt ſworn on the Trial of the Iſſue joined in the Cauſe, before any others ſhall be balloted; and ſo many only ſhall be balloted and added to the Viewers who appear, as, after all Defaulters and Challanges allowed, make up the Number of Twelve to be ſworn.

V. *AND*

Courts may order a Surveyor to attend Viewers.

V. *AND be it further Enacted, by the Authority aforeſaid*, That when any ſuch View ſhall be ordered as aforeſaid, the Court allowing the ſame, may, if it ſhall appear neceſſary, order any Surveyor or Artiſt to attend the ſame, and to run out, and ſurvey the Lands and Lines in Diſpute, in ſuch Manner as each Party and the Viewers ſhall direct, and to make Three accurate Plans of ſuch Surveys, and return the ſame to ſuch Court; which Order ſuch Surveyor or Artiſt is hereby required to obey.

Jurors to appear at the Place of View, and attend the Tryal.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff or other Officer to whom ſuch Writ of *Diſtringas*, or *Habeas Corpora*, ſhall be directed, ſhall ſummon the Jurors therein named to appear at the Place to be viewed, at leaſt Five Days before ſuch View is to be had; and every Juror being ſo ſummoned and failing to attend and take ſuch View, or to attend the Court to try the Iſſue in the Cauſe, ſhall be fined by the Court for every ſuch Neglect a Sum not exceeding Three Pounds Proclamation Money; to be levied as other Fines ſet on Jurymen, and applied to the Uſe of the County wherein the Lands in Diſpute are ſituate; unleſs the Perſon fined ſhall, on Oath, ſhew to the Court ſufficient Reaſon for ſuch Failure or Neglect.

Pen. for Neglect

Jurors, Sheriff, and Surveyors Allowance, for attending Views.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Jurors attending ſuch View, and at the Court in the Tryal of ſuch Iſſue, ſhall have the ſame Allowance as Jurors are intitled to who attend at the Superior Courts of Juſtice; and the Sheriff ſhall be allowed Ten Shillings *per Diem*, for attending at ſuch View, to remove Force, if any ſhall be offered; and the Surveyor or Artiſt ſhall have and receive Twenty Shillings Proclamation Money, *per Diem*, for travelling to and from, and attending at the Place of ſuch View, and diſcharging his Duty as by this Act required; which ſeveral Allowances ſhall be taxed and allowed in the Bill of Coſts.

Proviſo, for the Party to pay Coſts, where a View was unneceſſary.

VIII. *PROVIDED always*, That if it ſhall appear upon the Tryal of any ſuch Cauſe, that the Striking of a ſpecial Jury was altogether unneceſſary, the Party who applied for the ſame, ſhall pay all the extraordinary Expences occaſioned by ſtriking ſuch Jury; and ſhall have no other Allowance of Coſts than he would be intitled to, if the Cauſe had been tried by a common Jury.

Jurors Attendance at Superior Courts enforced.

IX. AND whereas the Jurors appointed for the Superior Courts are very remiſs in giving their Attendance, to the great Hinderance of Buſineſs; *Be it therefore Enacted, by the Authority aforeſaid*, That hereafter, when any Perſon nominated as a Juror to attend at either of the ſaid Courts, ſhall fail to give due Attendance at the ſame, it ſhall and may be lawful for the ſaid Court to fine the Perſon ſo failling, any Sum not exceeding Five Pounds Proclamation Money, inſtead of the Sum mentioned in the ſaid recited Act; unleſs ſuch Perſon can ſhew a reaſonable Excuſe for ſuch Failure.

Owners of Mills obliged to attend as Jurors, unleſs they keep their Mills themſelves.

X. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing this Act, no Perſon owning a Public Griſt-Mill, ſhall be excuſed from ſerving as a Juror at any Superior or Inferior Court, to which he may be ſummoned; unleſs ſuch Perſon doth make it appear to ſuch Court, upon Oath, that he doth in Perſon actually attend ſuch Mill as the Miller thereof: Any Thing in any former Act of Aſſembly to the contrary, notwithſtanding.

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Grand Jurors to be ſummoned to attend but once in 6 Months.

XI. AND whereas the Buſineſs of the Inferior Courts of Pleas and Quarter Seſſions, does not require ſuch conſtant Attendance of Grand Jurors as by the before recited Act is directed; *Be it Enacted, by the Authority aforeſaid*, That from and after the Firſt Day of *January* next, every Sheriff ſhall ſummon Twenty-four Grand Jurors, to attend at the Inferior Court of Pleas and Quarter Seſſions for his County, once in Six Months only; that is to ſay, at the Court next preceeding the Superior Court of the Diſtrict: Any Thing contained in the ſaid Act to the contrary, notwithſtanding.

Jury Act inforced for 2 Years.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That ſo much of the ſaid recited Act as is not otherwiſe provided for by this Act, and all the Powers and Authorities therein contained, ſhall continue and remain in full Force and Effect for Two Years, from and after the aforeſaid Firſt Day of *January* next, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. IV.

An Act, for rendering more effectual the Laws making Lands and other Real Eſtates liable to the Payment of Debts.

Preamble.

I. WHEREAS by an Act of Parliament paſſed in the Fifth Year of the Reign of his late Majeſty King GEORGE the Second, intituled, *An Act, for the more eaſy Recovery of Debts in his Majeſty's Plantations and Colonies in* America, among other Things it is Enacted, That the Houſes, Lands, Negroes, and other Hereditaments and Real Eſtates, ſcituate and being in any of the ſaid Plantations, belonging to any Perſon indebted, ſhould be liable to, and chargeable with, all the juſt Debts, Duties and Demands, of what Nature or Kind ſoever, owing by any ſuch Perſon to his Majeſty, or any of his Subjects; and may be ſeiſed, extended, ſold, and diſpoſed of, for ſatisfying the ſame; and many Lands and other Real Eſtates within this Province have accordingly been ſeiſed and ſold, for paying and ſatisfying Debts and Duties owing to his Majeſty and others by the Inhabitants thereof, as well in the Lifetime of ſuch Debtors, as after their Deceaſe: Notwithſtanding which, it hath of late been doubted whether ſuch Sales are well and ſufficiently warranted by the ſaid Statute; by Reaſon whereof, the Titles of many fair and honeſt Purchaſers are likely to become precarious, and the Credit of the Province much leſſened; For Prevention whereof,

Titles to Lands ſold by Sheriffs, in Virtue of Writs of *Fieri Facias*, declared good.

II. *BE it Enacted, by the Governor, Council and Aſſembly, and it is hereby Enacted, by the Authority of the ſame*, That every Conveyance and Sale heretofore made by any Sheriff or other Officer, of any Lands and other Real Eſtates, by Virtue of any Writ of *Fieri Facias* iſſued againſt ſuch Eſtates in the Lifetime of the Perſon ſeiſed thereof, or after his Deceaſe, on Judgments obtained againſt his or her Executors or Adminiſtrators, where the Court which rendered ſuch Judgment have adjudged the Lands and other Real Eſtate of ſuch deceaſed Perſon to be Aſſets for ſatisfying the Debt or Damages recovered againſt his or her Executors or Adminiſtrators, ſhall be good and valid, and are hereby declared to be effectual and ſufficient in Law to

to convey, aſſure and confirm, to every Perſon and Perſons claiming under ſuch Conveyances and Sales, their Heirs and Aſſigns, all the Eſtate, Claim, Title and Right of Entry which the Perſon or Perſons ſo being or dying ſeiſed of any ſuch Lands or other Real Eſtates, had, or was intitled to.

Proviſo, not to affect Titles purchaſed of Heirs, before Judgment againſt ſuch Lands.

III. *PROVIDED always*, That nothing herein contained ſhall tend to validate or confirm any ſuch Conveyance, or render the Title of a Perſon defective, who ſhall have *bona fide* purchaſed any Land or other Real Eſtate, from the Heir or Deviſee of any deceaſed Debtor, and ſhall have had a Deed for the ſame, duly proved and regiſtred, before ſuch Lands or other Real Eſtate were adjudged to be Aſſets for paying his or her Debts as aforeſaid; any Thing herein contained to the contrary, notwithſtanding.

Lands ſubject to the Debts of the Owners.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the Lands, Hereditaments, and other Real Eſtates, of every Perſon or Perſons ſeiſed of any ſuch Eſtates, ſcituate within this Province, ſhall, and are hereby declared to be liable to, and chargeable with, all the juſt Debts, Duties and Demands whatſoever, owing by any ſuch Perſon to his Majeſty, or any of his Subjects, as well in the Lifetime of ſuch Perſon, as after his or her Deceaſe; and ſhall and may be ſeiſed, taken, ſold, and diſpoſed of, for ſatisfying ſuch Debts; any Law or Uſage to the contrary, notwithſtanding.

Method of Proceeding where an Executor, &c. is ſued, and hath not ſufficient perſonal Eſtate in his Hands.

V. *AND be it further Enacted, by the Authority aforeſaid*, That when any Suit ſhall hereafter be commenced againſt an Executor or Adminiſtrator, and there ſhall not be ſufficient perſonal Eſtate in the Hands of the Defendant to be adminiſtred, to ſatisfy the Debt or Damages ſued for; the Defendant ſhall plead the true State of the Caſe, upon Oath, and thereby ſhew the Amount of the perſonal Aſſets remaining in his or her Hands, what out-ſtanding Debts and other Aſſets are likely to come to his Poſſeſſion thereafter, what Lands or other Real Eſtate the Teſtator or Inteſtate died ſeiſed of, or was intitled to at the Time of his Death, where the ſame are ſcituate, and to whom ſuch Eſtate hath deſcended or been deviſed, if any Deſcent or Deviſe thereof hath happened; and thereupon the Court before whom ſuch Suit ſhall be depending, ſhall order a Summons to iſſue for ſuch Heir or Deviſee, to appear and ſhew Cauſe why the Plaintiff ſhall not recover in his or her Suit, or why ſuch Lands and Real Eſtate ſhall not be liable to the Plaintiff's Demand; and if there be no Heir or Deviſee, or where there are any ſuch, and ſhall not, on being ſummoned, appear and ſhew ſufficient Cauſe as aforeſaid, Execution ſhall be awarded againſt the Lands, Hereditaments, and other Real Eſtate of the Perſon deceaſed, which ſhall and may thereby be taken, ſeized, and ſold, for ſatisfying the Debt or Damages, and Coſts, which the Plaintiff ſhall recover.

Lands ſold by an Executor, &c. to pay any Debt, and perſonal Eſtate afterwards appearing, Heir to be reimburſed.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That when any Lands or other Real Eſtate deſcended to an Heir, or deviſed to a Deviſee, ſhall be ſold to ſatisfy any Debt or Demand recovered againſt an Executor or Adminiſtrator, and perſonal Aſſets ſhall afterwards come to the Hands of ſuch Executor or Adminiſtrator, to be adminiſtred, more than ſufficient to pay all the Debts and Demands wherewith the deceaſed Debtor ſtood chargeable at the Time of his Death; in that Caſe ſuch Executor

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Executor or Adminiſtrator ſhall reimburſe and pay to ſuch Heir or Deviſee, the Monies levied on the Lands deſcended or deviſed to him, out of ſuch perſonal Aſſets.

Manner of ſummoning Heirs, who live out of the Country.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That where it ſhall be neceſſary to ſummon the Heir or Deviſee of any Perſon dying indebted as aforeſaid, who ſhall reſide out of the Country, the Summons iſſued in ſuch Caſe ſhall be directed to the Sheriff of the County where the Lands or other Real Eſtates are ſcituate; which Sheriff ſhall make Proclamation at the Inferior Court of his Country at Three Courts ſucceſſively, while the Court is ſitting, for the Perſon directed to be ſummoned to appear and ſhew Cauſe as aforeſaid; which ſhall be deemed a good Service, and being returned ſo Executed, ſhall be proceeded on in Manner directed by this Act.

Proceed. where Judgment againſt an Executor, &c. by Default, Confeſſion, &c.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That where Judgment in any Caſe hath been, or ſhall be obtained againſt an Executor or Adminiſtrator, by Confeſſion, Default, or Demurrer, or to be levied when Aſſets ſhall come to the Hands of the Defendant, the Plaintiff may have a *Scire Facias* for the Executor or Adminiſtrator of the Deceaſed, and the Heir or Deviſee of ſuch Perſon, ſuggeſting that there are ſufficient Lands and other Eſtate to ſatisfy ſuch Judgment and Coſts; and if it ſhall appear to the Court that there are not ſufficient perſonal Aſſets to ſatisfy ſuch Judgment, and the Heir or Deviſee ſhall fail to ſhew ſufficient Cauſe why the Plaintiff ought not to have recovered, or why the Lands and other Real Eſtate to him or her deſcended or deviſed, ſhall not be liable to the Plaintiffs Demand; and where there ſhall be no Heir or Deviſee, in every ſuch Caſe the Plaintiff ſhall have Execution for his Debt or Damages, and Coſts; to be levied on the Lands and other Real Eſtate of the deceaſed Debtor.

Proviſo, to bar Debts not ſued for within five Years.

IX. *PROVIDED always*, That no Lands or other Real Eſtate of any Perſon whatſoever, ſhall be ſubject to the Payment of any Debts, Duties, or Demands by him or her due and owing to any Perſon or Perſons whatſoever, (Debts due to his Majeſty, and Perſons reſiding in *Great-Britain*, excepted) unleſs ſuch Debts or Demands ſhall be ſued for within Five Years after the paſſing of this Act, or the Death of the Perſon or Perſons chargeable with the ſame.

Proviſo alſo, for the Heir to enter, 'till Lands are ſold.

X. *PROVIDED alſo*, That nothing in this Act contained ſhall be conſtrued to hinder or prevent the Heir or Deviſee of any ſuch Perſon from entering into ſuch Lands or other Real Eſtate as ſhall deſcend or be deviſed to him, her or them; but every ſuch Heir or Deviſee may make ſuch Entry, and take and receive the Profits of ſuch Lands or other Real Eſtates to his, her, or their own Uſe, until ſuch Time as it ſhall be neceſſary to ſell and diſpoſe of the ſame for ſatisfying the Debts or Demands wherewith the Perſon or Perſons under whom ſuch Heir or Deviſee ſhall claim, ſhall ſtand chargeable at the Time of his or her Death.

Fieri Facias iſſuing to Sheriff, and he dying be-

XI. *AND be it further Enacted, by the Authority aforeſaid*, That where a *Fieri Facias* hath been, or ſhall be iſſued, againſt the Lands or other Real Eſtate of any Perſon in his or her Lifetime, or after his or her Deceaſe, and the Sheriff or other Officer to whom ſuch Writ hath been, or ſhall be directed or delivered, hath departed this Life, or been removed from his Office, or ſhall die or be removed from his Office

Office without compleating the Execution of ſuch *Fieri Facias*, and executing a Deed for conveying the Title of the Lands required to be ſold by ſuch *Fieri Facias*, to the Purchaſer thereof; it ſhall and may be lawful for any ſucceeding Sheriff, and he is hereby required and directed, to proceed in compleating the Execution of ſuch Writ, according to the command thereof, and in executing a Deed of Bargain and Sale to the Purchaſer of the ſaid Lands and Tenements ſold thereby; and every ſuch Proceeding ſhall be as effectual and available in Law to every Intent and Purpoſe whatſoever, as if the ſame had been done and performed by the Sheriff or other Officer to whom ſuch Writ was directed or firſt delivered.

A. D. 1764. fore Execution of it, next Sheriff to compleat the Title.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That when any Writ of *Fieri Facias*, ſhall iſſue againſt Lands or other Real Eſtates, the ſame ſhall be in the following Form, *mutatis mutandis*, viz.

NORTH-CAROLINA.

GEORGE *the Third, by the Grace of God, of* Great-Britain, France *and* Ireland, *King, Defender of the Faith*, &c. *To* A. B. *Sheriff of the County of* ——— *Greeting. We command you, that you cauſe to be made, of the perſonal Eſtate of* C. D. *in your Bailiwick, (Slaves excepted) if the ſame be ſufficient, and if not, then of the perſonal Eſtate of the ſaid* C. D. *including Slaves; and if the ſame be inſufficient, then of the perſonal Eſtate, Lands, Tenements, Hereditaments and other Real Eſtate, of the ſaid* C. D. *the Sum of* ——— *which* E. F. *lately in our Superior Court of Juſtice, held for the Diſtrict of* ——— *at* ——— *recovered againſt him for Debt; and alſo the Sum of* ——— *which were awarded to the ſame* E. F. *for his Damages, which he ſuſtained, occaſioned as well by the detaining his ſaid Debt, as for his Coſts and Expences laid out by him in and about his Suit in that Behalf; whereof the ſaid* C. D. *is convict, as appears to us of Record; and have you the ſaid Monies before our ſaid Court at* ——— *aforeſaid, on the* ——— *Day of* ——— *next, to render to the ſaid* E. F. *his Debt and Damages aforeſaid: And have you then and there this Writ. Witneſs*, &c.

Form of a *Fieri Facias*.

By Virtue of which, the Sheriff or other Officer ſhall levy the Debt or Damages, and Coſts, mentioned in ſuch Writ, according to the Command thereof.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That when any Lands or other Real Eſtate, ſhall be taken on Execution on a *Fieri Facias*, the Sheriff or other Officer ſhall ſell the ſame at Public Auction for the beſt Price that can be got, having firſt given Public Notice of ſuch Sale at the Court-Houſe, and every Church and Chapel in the County, for one Month at leaſt before ſuch Sale; and ſhall give the Purchaſer a Deed of Bargain and Sale, and put him or her into Poſſeſſion thereof; which Deed being firſt duly proved or acknowledged and regiſtered, ſhall, and is hereby declared to be effectual and ſufficient in Law, to convey and aſſure to the Purchaſer or Purchaſers, his, her, and their Heirs and Aſſigns, all the Title, Intereſt, Property, Right of Entry, Claim and Demand whatſoever, in the Lands or other Real Eſtate ſo ſold, of the Perſon or Perſons who ſhall be chargeable with the Debt or Damages mentioned in ſuch Execution, and every other Perſon claiming by, from

Manner of Execution of a *Fieri Facias*.

A. D. 1764. or under him or her; and out of the Money arising by such Sale, shall pay and satisfy the Debt or Damages, and Costs, mentioned in such Execution, and pay the Overplus, if any, to the Person intituled to receive the same.

CHAP. V.

An Act, to prevent the Exportation of Unmerchantable Commodities.

Commodities to be inspected.

I. BE it *Enacted by the Governor, Council and Assembly, and by the Authority of the same*, That from and after the Time Inspectors are to be appointed by Virtue of this Act, no Hemp, Flax, Flax-Seed, Pork, Beef, Rice, Flour, Butter, Tar, Pitch, Turpentine, Staves, Heading, Shingles, Lumber, tanned Leather or Deer-Skins shall be exposed to Sale for Exportation, or any Indico paid in Discharge of Taxes, until the same shall be duly inspected, under the Regulations herein after expressed; and the Justices of the Inferior Court in every County within this Province

Inspectors to be appointed.

are hereby authorized and required at the First or Second Court to be held in each County, after the passing of this Act, and on the First Court in each County respectively, which shall be held next after the First Day of *January* in each succeeding Year, to nominate and appoint, in open Court, One or more fit or proper Person or Persons, residing in the said County, to attend at such Times and Places as are by this Act appointed and directed, (except at *Wilmington* in *New-Hanover* County, where there shall be Two Inspectors and no more,) to inspect all such Hemp, Flax, Flax-Seed, Pork, Beef, Rice, Flour, Butter, Indico, Tar, Pitch, Turpentine, Staves, Heading, Shingles, Lumber, and Deer-Skins, within the respective Counties according to the Directions of this Act: And every Inspector so appointed shall, before he

Who are to give Bond;

enters upon or executes his Office, enter into Bond, with Two or more good and sufficient Securities, in the Penalty of Five Hundred Pounds, Proclamation Money, for the true and faithful Discharge of his Office, according to the Directions of this Act; (which Bond and Securities every such Court respectively is hereby impowered and required to demand, take, and cause to be acknowledged before them in open Court, and recorded;) which Bond shall be made payable to the Governor or Commander in Chief for the Time being, and shall be in Force for the Term of Three

Payable to the Governor, which may be sued on Breach of the Condition, till the Whole Pen. is recovered.

Years after such Inspector shall be out of Office; and that in the Name of the Governor or Commander in Chief for the Time being, any Person or Persons injured may and shall, at his, her, or their Costs and Charges, commence and prosecute a Suit or Suits on such Bond, against the Parties therein bound, their Executors or Administrators; and shall and may recover all Damages, which he, she or they may have sustained, by Reason of the Breach of the Condition thereof: And the said Bond shall not become void upon the first Recovery, or if Judgment shall be given against any Plaintiff or Plaintiffs, who shall sue on such Bond; but may be put in Suit and prosecuted from Time to Time, for the Benefit of the Party or Parties injured, until the whole Penalty expressed in such Bond shall be recovered. *Provided always*, That

Proviso, for the Party to pay Costs, if Judgment for Inspector.

if any Verdict or Judgment shall pass for such Inspector, or his Security, the Person or Persons at whose Instance such Suit shall be prosecuted, shall pay double Costs. And ever such Inspector shall also take the following Oath; *to wit*,

I

I A. B. *do ſwear, That I will faithfully, impartially and diligently, execute the Office of Inſpector; and that I will not, for Favour, Affection, Prejudice or Partiality, brand, for any Perſon whatſoever, any Hemp, Flax, Flax-Seed, or Barrel of Pork, Beef, Rice, Flour, Tar, Pitch or Turpentine, Caſk or Firkin of Butter, Barrel or Caſe of Indico, or paſs any Staves, Heading, Shingles, Lumber, tanned Leather or Deer-Skins, other than ſuch as are declared lawful by an Act of Aſſembly, intituled,* An Act, to prevent the Exportation of unmerchantable Commodities, *according to the beſt of my Skill and Judgment.* SO HELP ME GOD. A. D. 1764. Inſpector's Oath.

II. *AND be it further Enacted, by the Authority aforeſaid,* That the Inferior Courts of the reſpective Counties ſhall be, and are hereby authorized and impowered, at any Time, to diſcharge any Inſpector from his ſaid Office, who ſhall miſbehave himſelf and act contrary to his Duty therein; the Party complaining giving ſuch miſbehaving Inſpector Ten Days previous Notice, in Writing, of the Complaint againſt him, with the Particulars thereof; and at the Death or on the Diſability of any of them, to appoint another, to ſucceed ſuch dead, diſabled, or miſbehaving Inſpector: And if any ſuch Death ſhould happen in the Vacation of ſuch Courts, it ſhall then be lawful for any Three Juſtices of ſuch Court, whereof the Chairman or firſt in Commiſſion who has qualified ſhall be one, to nominate and appoint ſome other fit and proper Perſon as Inſpector, till the next ſucceeding Court for ſuch County; or if any Inſpector ſhall be rendered incapable of performing his Duty by Sickneſs or other Accident, it ſhall then be lawful for the Inſpector ſo diſabled or rendered incapable of performing his Duty as aforeſaid, by and with the Conſent of Three Juſtices, to appoint ſome other Perſon as an Aſſiſtant during the ſaid Inſpector's Sickneſs or other Diſability; which Conſent ſhall be certified under their Hands and lodged with the Clerk of the Inferior Court of the County wherein the Inſpector reſides; and the perſon ſo appointed ſhall take the ſame Oath as Inſpectors appointed by the Courts, and the Inſpector ſhall be liable to the ſame Fines and Penalties for the ſaid Aſſiſtant's bad Conduct and Miſbehaviour, as he is liable to for his own.

Inferior Courts Power, over Inſpectors.

Proceedings in Caſe of the Death of any Inſpector.

III. *AND be it further Enacted, by the Authority aforeſaid,* That the Places and Landings hereafter mentioned ſhall be, and are hereby appointed for the Inſpection of Hemp, Flax, Flax-Seed, Pork, Beef, Rice, Flour, Indico, Butter, Tar, Pitch and Turpentine, Staves, Heading, Lumber and Shingles; to which Places all of the ſaid Commodities, before ſold or exported, ſhall be brought, examined and inſpected, according to the Directions herein after mentioned; That is to ſay, In *New-Hanover* County, at the Town of *Wilmington*, *New-Exeter* and *New-Topſail* Sound. In *Brunſwick* County, at the Town of *Brunſwick*. In *Onſlow* County, at *Bear* Inlet, *New River*, and *Bogue* Inlet. In *Carteret* County, at *Beaufort* Town, *Fort-Point* near *Old Topſail*, the Marſh at *Newport* Channel, *Cole*'s Landing, *Cedar-Point*, *Harcor*'s Iſland, and *Portſmouth*. In *Craven* County, at *Newbern* Town, *Clubfoot*'s Creek, and *Lower Broad-Creek*. In *Beaufort* County, at *Bath* Town, and *James Bonner*'s. In *Pitt* County, at *William Spier*'s, *Simpſon*'s and *Salter*'s. In *Hyde* County, at *Woodſtock* Town, and *Sylveſter*'s Landing. In *Tyrrel* County, at *Hog* Town, *Mill* Landing, *Gardner*'s, *Dayley*'s, *Welch*'s Creek, *Kindrick*'s Creek, *Scuppernong* River, *Squawaſque*, *Little Alligator*, *Richard Lurry*'s, *Meacon*'s Landing, *Hill*'s Landing, and *Dawſon*'s. In

Places of Inſpection appointed.

A. D. 1764. In *Chowan* County, at *Edenton*, *Old-Town* Landing, *Bennet*'s Creek at the Bridge, and *John Simon*'s Landing. In *Bertie* County, at *Salmon* Creek, *Maul*'s Haven on *Roanoke* River, at *William Gray*'s Landing, and at *Cuſhie* River. In *Hertford* County at the Warehouſe on *Chowan* River, *Vanpelt*'s, *Wycacon*'s Creek, and *Catharine*'s Creek, *Hill*'s Ferry, *Murphey's* Landing, and *Manney*'s Landing, *Bennet*'s Creek-Bridge, at *Mount-Sion*, and *Cotton*'s Ferry. In *Northampton* County, the *Pitch* Landing, *Pace*'s Warehouſe, *Jones*'s Warehouſe, and the Place where *Ragland*'s Warehouſe formerly ſtood. In *Halifax* County, at *Whitmel Hill*'s Plantation, at *Kahukey*, *Barnes*'s Landing, Mr. *Blake Baker*'s Landing, and the Town of *Halifax*. In *Edgcomb* County, at *Howell*'s Warehouſe. In *Perquimons* County, at *Cyprus* Bridge, at *Hertford*, *Saunders*'s Landing up the *Narrows*, *John Barrow*'s, *Yopim* Creek, at *Seth Sumner*'s, Landing at *Little-River* Bridge, *Sanderſon*'s Landing, *Benjamin Harvey*'s Landing, at *John Barclift*'s on *Deep Creek*, at Captain *Joſeph Sutton*'s on *Sutton*'s Creek. In *Paſquotank* County, at *Nixonton*, at *M*ᶜ *Keel*'s, at *Newbegun* Creek, at *Windfield*, at the Narrows of *Paſquotank* River, at the Mouth of the River, at *Seaburn*'s Landing, *North River*, *Plank-Bridge* on *Sawyer*'s Creek, at *Aranuſe*, and at *River-Bridge*. In *Currituck* County, the South Side of *Tulley*'s Creek Bridge, at *Joſeph Sanders*'s, at *Moyock*, at *Indian* Town Bridge, at *Chiconocomick* at *Thomas Paine*'s Landing, the Head of *Tulley*'s Creek Bridge, at *Etheridge*'s Creek, and *Currituck* Court-Houſe. In *Dobbs* County, at *Dickſon*'s and *Kingſton*. In *Cumberland* County, at *Campbleton*.

Inſpector may be called to inſpect Commodities at any Landing.

IV. *PROVIDED neverthelefs*, That any Perſon or Perſons having at any Landing, which is not by this Act appointed a Place of Public Inſpection, a Quantity of Merchandize for Exportation, and being deſirous to ſhip the ſame directly on board a Veſſel for Exportation from ſuch Landing, it ſhall and may be lawful for ſuch Perſon or Perſons intending to ſhip and export the ſaid Merchandize as aforeſaid, to call any Inſpector; who is hereby required to inſpect and brand the ſame, under the Rules and Directions herein mentioned: Any Thing in this Act contained to the Contrary notwithſtanding.

Inſpectors for Towns, to reſide therein.

V. *AND be it further Enacted, by the Authority aforeſaid*, That where any ſuch Inſpection ſhall be appointed by this Act to be held in any Town that ſends a Repreſentative to the Aſſembly, the Inferior Court of the County wherein ſuch Town is, ſhall not nominate or appoint any other Inſpector or Inſpectors for any ſuch Inſpection, but ſuch Perſon or Perſons who ſhall, during his Continuance in ſaid Office, reſide in ſuch Town.

Pen. on Maſters of Veſſels taking on board uninſpected Commodities.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That no Maſter or Commander of any Ship or Veſſel ſhall take on board his Ship or Veſſel, any ſuch Caſk or Barrel, or other inſpectable Commodity as aforeſaid, without being inſpected and branded as by this Act required, under the Penalty of One Hundred Pounds for each Offence; one Half to the Informer, and the other Half to the Churchwardens of the Pariſh wherein the Offence ſhall be committed, to the Uſe of ſuch Pariſh; to be recovered with Coſts, by Action of Debt, Bill, Plaint or Information, in any Court of Record having Cognizance thereof.

And on Collectors entering Veſſels, before the Maſter takes

VII. *AND be it further Enacted*, That no Collector ſhall enter any Ship or Veſſel before the Maſter or Commander of ſuch Ship or Veſſel ſhall have taken the following Oath; *to wit*,

YOU

YOU *ſhall ſwear, that you will not, this preſent Voyage, export in the Ship or Veſſel whereof you are Maſter or Commander, any Hemp, Flax, Flax-ſeed, Barrel of Pork, Beef, Rice, Flour, Caſk or Firkin of Butter, Tar, Pitch or Turpentine, that ſhall not have an Inſpector's Brand thereon; or any tanned Leather or Deer-Skins, without an Inſpector's Stamp thereon, according to Law (except ſuch as ſhall be neceſſary for the Veſſel's Uſe).* SO HELP YOU GOD. *A. D.* 1764. This Oath.

which Oath the Collector of the Port, or his Deputy, is hereby impowered and required to adminiſter; and ſhall and may take and receive of ſuch Maſter for adminiſtring the ſaid Oath, One Shilling, Proclamation Money; neither ſhall any Collector clear out any Ship or Veſſel, until the Maſter ſhall produce a Certificate or Certificates from under the Hands of the Inſpector or Inſpectors, of his Cargo's being inſpected, under the Penalty of Fifty Pounds, Proclamation Money; to be recovered by Action of Debt in any Court of Record having Cognizance thereof, by the Churchwardens of the Pariſh where ſuch Offence ſhall be committed, for the Uſe of ſuch Pariſh: And in Caſe any of the ſaid Commodities have been put on board any Ship or Veſſel without being firſt inſpected as this Act directs, it ſhall and may be lawful for any Two Magiſtrates or Juſtices, on Information made to them, on Oath, to iſſue a Warrant directed to the Sheriff, or any Conſtable of any County wherein ſuch Veſſel ſhall be, to cauſe Search to be made on board ſuch Ship or Veſſel; and on finding any ſuch Commodities not inſpected according to the Intent and Meaning hereof, the ſame ſhall be forfeited, and applied as herein after directed.

Which the Collector is to adminiſter.

Pen. on him for clearing Veſſels without Inſpector's Certificate.

Veſſels may be ſearched.

VIII. *AND be it further Enacted*, That every Collector, or his Deputy, ſhall grant a Certificate to the Maſter or Commander of any Ship or Veſſel, of his having taken ſuch Oath, under the Penalty of Ten Pounds for each Neglect or Refuſal; to be recovered by Bill, Plaint or Information, in any Court of Record in this Province; the one half to him or them who ſhall ſue for the ſame, the other half to the Churchwardens, for the Uſe of the Pariſh where ſuch Offence ſhall be committed; for which Certificate the Collector ſhall and may receive Two Shillings and Eight Pence.

Collectors to give Certificates to Maſters of Veſſels.

IX. *AND be it further Enacted*, That every ſuch Inſpector ſhall conſtantly attend at the Places for which he ſhall or may be appointed, at ſuch Times as required, for the Inſpection of the ſaid Commodities within his Diſtrict, and ſhall provide an Iron to brand any of the Commodities, bearing the Name of the Inſpector, and his Place of Reſidence: And if any Inſpector ſo appointed and ſworn ſhall neglect his Duty, or brand or ſtamp any of the Commodities contrary to this Act, or brand any empty Barrel, or lend his Brand to any Perſon or Perſons whatſoever, he ſhall forfeit and pay, for every Truſs or Bundle of Hemp or Flax, and for every Caſk of Flax-ſeed, and for every Barrel, Box or Caſe of Indico, Five Pounds; for every Barrel of Pork, Beef, Rice, Flour, Caſk or Firkin of Butter, Three Pounds; for every Barrel of Tar, Pitch or Turpentine, Ten Shillings; and for branding any empty Barrel, or lending his Brand, Forty Pounds, Proclamation Money; to be recovered by Action of Debt, before any Juriſdiction having Cognizance thereof, with Coſts, by the Informer: And every other Perſon or Perſons that ſhall, by any Ways or Means, brand, or procure to be branded, any Truſs or Bundle of Hemp or Flax, any Caſk of Flax-ſeed, or Barrel, half Barrel, Caſk, Firkin, half Firkin, Box or Caſe, as aforeſaid, than by the

Inſpectors to attend, and provide a Brand.

Pen. for Neglect of Duty, or branding unmerchantable Commodities.

Pen. for coun-

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terfeiting Inſpector's Brand.

Inſpector, or by his Aſſiſtant, he or they ſo offending ſhall forfeit and pay, for ſuch Offence, the ſame Fines and Penalties as Inſpectors are by this Act liable to pay for Breach of their Duty or Miſbehaviour.

Guage of Beef and Pork Barrels.

Quality and Quantity of Meat to be packed in them.

X. *AND be it further Enacted, by the Authority aforeſaid*, That all Pork or Beef, packed within this Province for Sale or Exportation, ſhall be put in good and ſufficient white Oak Caſks, which ſhall not contain more than Thirty-one Gallons and an Half, Wine-Meaſure, each Barrel, and Fifteen Gallons and Three Quarts each Half Barrel; and all Barrels and Half Barrels ſhall be made of Timber ſeaſoned at leaſt Six Months after the Riving, the Staves not leſs than Half an Inch thick when wrought; the Heading not leſs than Three Quarters of an Inch thick, and well dowelled; Twelve good ſubſtantial Hoops on each Caſk, and the Whole to be tight, fit to hold Pickle, and Workman-like, and ſhall contain at leaſt Two Hundred and Twenty Pounds of good, clean, ſound merchantable Meat, properly ſorted, and well ſalted, with a ſufficient Quantity of Salt to each Barrel, and nailed and packed, and no more than Two Heads in one Barrel of Pork, and not any Boar's Fleſh in any Barrel of Pork, or any Heads, Bull's Fleſh, or more than Two Shanks in any Barrel of Beef: And every Caſk of Rice ſhall be filled with ſound and well-cleaned Rice; and after the ſame has been inſpected, found good and merchantable, and paſſed by the Inſpector, every ſuch Barrel ſhall be by him branded as aforeſaid, and a Certificate or Certificates thereof given to the Owner, bearing Date, in Words at Length, the ſame Day ſuch Commodity or Commodities were inſpected and paſſed: And every Barrel of Pitch or Turpentine ſhall contain Thirty one Gallons and an Half, and be well filled free from any fraudulent Mixture, and in good and ſufficient Caſks, and well hooped with Twelve good Hoops at leaſt, and before it be branded by the Inſpector, ſhall be weighed in his Preſence; and every Three Hundred and Twenty Two Pounds Weight of ſuch Pitch or Turpentine, including the Caſk, and ſo in Proportion, ſhall be accounted a lawful Barrel of Pitch or Turpentine: and if any Pitch or Turpentine ſhall be found by the Inſpector to be fraudulently mixed, the ſame ſhall be condemned and forfeited to the Uſe of the Pariſh where the ſame ſhall be, and may, by the Churchwardens thereof, be cleanſed and ſold for ſuch Uſe: And every Barrel of Tar ſhall be the Gauge of Thirty-one Gallons and an Half, Wine-Meaſure, and hooped with Twelve Hoops at leaſt; and every Barrel of Tar of leſs Size, or in bad and inſufficient Caſks, fewer than Twelve Hoops, ſhall be put in merchantable Order, at the Expence of the Owner; and when full bound, no more than one Third Part of the Staves ſhall be left bare; and every Barrel of Pitch, Tar and Turpentine, after the ſame ſhall be inſpected, gauged, found clean, well filled and truly made merchantable, and paſſed by the Inſpector, ſhall be by him branded.

Rice.

Pitch or Turpentine.

Tar.

Makers of Tar, &c. to brand their Barrels.

Inſpector to keep a Book for Commodities,

XI. *AND be it further Enacted, by the Authority aforeſaid*, That every Maker of Pitch, Tar or Turpentine, ſhall mark or brand, or cauſe to be marked or branded, every ſuch Barrel of Pitch, Tar or Turpentine, with the initial Letters of his or her Name; and every Inſpector ſhall keep a Book for Beef, Pork, Rice, Pitch, Tar and Turpentine; in which ſhall be fairly entered, the Maker's Name and Mark, the Number of Barrels landed, the Number of Barrels inſpected of the ſame Mark, the Merchant or Shipper's Name cauſing the ſame to be inſpected, and the Time of Inſpection;

tion; and ſhall give a Certificate of any Parcel to any Perſon requiring the ſame, on Payment of One Shilling: And any Perſon failing or neglecting to mark or brand his, her or their Caſks, according to the Directions of this Act, ſhall pay One Half-penny *per* Barrel, to the Inſpector, for marking the ſame with the initial Letters of the Maker's Name; which Fee ſhall be payed by the Perſon paying the Fees of Inſpection, and by him may be charged to the Maker.

His Fee, for branding Makers Barrels.

XII. *PROVIDED always*, That if any Tar, Pitch or Turpentine, ſhall remain Twenty Days, or more, after the ſame has been inſpected and paſſed, in Manner aforeſaid, before the ſame ſhall be laden or put on board ſome Ship or Veſſel for Exportation, it ſhall not be lawful for the Exporter to lade or put the ſame on board any Ship or Veſſel as aforeſaid, until the ſame ſhall have been again inſpected and paſſed by the Inſpector, and Certificate or Certificates granted for the ſame, in the ſame Manner as if ſuch Commodities had never been inſpected; any Thing herein contained to the contrary notwithſtanding. And every Perſon who ſhall preſume to lade or put on board any Ship or Veſſel, any Tar, Pitch or Turpentine, for Exportation as aforeſaid, at any Time after the Expiration of Twenty Days, from the Time that the ſame ſhall have been viewed and inſpected as aforeſaid, ſhall forfeit and pay the Sum of Ten Shillings, Proclamation Money, for every ſuch Barrel ſo laden or put on board any Ship or other Veſſel: To be recovered by Action of Debt, with Coſts; one Half to the Informer, and the other Half to the Uſe of the Pariſh wherein ſuch Offence ſhall be committed, before any Juriſdiction, having Cognizance of the Sum or Sums of Money ſo forfeited; and the Maſter or Commander of ſuch Ship or Veſſel, ſhall be liable to the ſame Penalty as for lading Beef, Pork, Rice, Tar, Pitch or Turpentine, without being branded; and the Juſtices or Collectors ſhall, and are hereby required, to uſe the ſame Method of Proceeding to compell the Payment of the ſaid Penalty, as in that Caſe is directed to be obſerved. And foraſmuch as it is difficult, in warm and rainy Weather, to ſeparate Tar from Water; *It is hereby Declared*, That Water ſhall not be accounted a fraudulent Mixture in any Tar; but, that in ſuch Caſes, the Barrel ſhall not be branded by the Inſpector, until the ſame is as free from Water as it can be made: Any Thing herein contained to the contrary, notwithſtanding.

Proviſo, for Tar, &c. to be re-inſpected, after lying 20 Days.

Water in Tar, not a fraudulent Mixture.

XIII. AND whereas Pork, Beef, Rice, Flour and Butter, may, by Reaſon of its being long kept, become not good, ſound and merchantable; *Be it further Enacted, by the Authority aforeſaid*, That none of the ſaid Commodities ſhall be laden or put on board any Ship or Veſſel, if the ſame have been kept Sixty Days after they have been inſpected, until the ſame ſhall have been again inſpected and paſſed by the Inſpector, and Certificate or Certificates granted, in the ſame Manner as if ſuch Commodities had never been inſpected: Any Thing herein contained to the contrary, notwithſtanding. And every Perſon who ſhall preſume to lade or put on board, or cauſe to be laden or put on board any Ship or Veſſel, any Pork, Beef, Rice, Flour or Butter for Exportation as aforeſaid, any Time after the Expiration of Sixty Days from the Time that the ſame ſhall have been viewed and inſpected as aforeſaid, ſhall forfeit and and pay the Sum of Three Pounds, Proclamation Money, for every ſuch Barrel of Pork, Beef, Rice, Flour, and Caſk or Firkin of Butter, ſo laden or put on board any Ship or other Veſſel; to be recovered by Action of Debt, with Coſts; one half to the Informer,

Pork, Beef, Rice, Butter and Flour to be re-inſpected, after lying 60 Days.

A. D. 1764. Informer, and the other half to the Uſe of the Pariſh wherein ſuch Offence ſhall be committed, before any Juriſdiction, having Cognizance of the Sum or Sums ſo forfeited; and the Maſter or Commander of ſuch Ship or Veſſel ſhall be liable to the ſame Penalty as for lading Pork, Beef, Rice, Flour, or Butter, without being branded, and the Juſtices and Collector ſhall, and are hereby required, to uſe the ſame Method of Proceeding to compell the Payment of the ſaid Penalty, as in that Caſe is before directed to be obſerved.

Caſks to be made agreeable to Law, and Coopers to brand them, and record their Brand.

XIV. AND whereas alſo, it is difficult for Merchants and other Perſons buying Quantities of Pork and Beef, to get good Caſks to put it in: *It is hereby Enacted*, That from and after the paſſing of this Act, no Cooper or other Perſon whatſoever, making Caſks, ſhall expoſe to Sale any Barrel or half Barrel for the holding of Pork or Beef, other than ſuch as are by this Act directed to be made for that Uſe; and every Cooper or other Perſon making Barrels or half Barrels, before they deliver or expoſe the ſame to Sale, ſhall ſet his or their proper Brand upon every Barrel or half Barrel; which Brand he or they ſhall cauſe to be recorded in the Office of the Clerk of the Court of the County where he or they ſhall reſide: And every Cooper or other Perſon expoſing to Sale any Caſk not agreeable to the Directions of this Act, ſhall, for every ſuch Caſk, forfeit and pay Six Shillings and Eight Pence, Proclamation Money; and for not recording his Brand, the Sum of Five Pounds, Proclamation Money; one half to the Churchwardens, for the Uſe of the Pariſh where the Offence ſhall be committed, and the other half to him or them that ſhall ſue for the ſame; to be recovered before any Juriſdiction having Cognizance thereof, with Coſts, provided the ſame be ſued for within Six Months after the Offence committed.

Exporter of Commodities to produce Inſpector's Certificate, on Oath to Maſters of Veſſels.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That every Seller or Exporter of Hemp, Flax or Flax-ſeed, Pork, Beef, Rice, Flour, Butter, Tar, Pitch or Turpentine, packed or filled in this Province, and branded, ſhall produce the Certificate of the Inſpector, who inſpected the ſame, and make Oath, or if one of the People called Quakers, then an Affirmation, if required, before a Juſtice of the Peace, on Delivery of the Goods ſold or exported, that the ſeveral Commodities intended by him to be ſold or exported, are the ſame that were inſpected and paſſed, and do contain the full Quantity mentioned in ſuch Certificate, without Imbezzlement, to his Knowledge; which Oath or Affirmation the Juſtice ſhall and is hereby required to certify on the Back of ſuch Certificate; which Certificate the Seller ſhall deliver to the Buyer, if ſuch Commodities be ſold, and the Perſon exporting ſuch Commodities ſhall deliver ſuch Certificate to the Maſter of the Ship or Veſſel on board which the ſame ſhall be ſhipped or laden; and if ſuch Seller or Exporter ſhall neglect or refuſe to make Oath or Affirmation, if required, he ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds, Proclamation Money, to the Informer; to be recovered with Coſts, in any Court of Record, by Action of Debt, Bill, Plaint or Information.

Warehouſe may be rented, or erected.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That it may be lawful for every Inferior Court within this Province wherein there are not Public Warehouſes by Law erected for the Reception and Inſpection of Tobacco, at the Expence of ſuch County to erect or rent a Warehouſe, at or near ſome Public Landing, on a navigable

navigable River or Creek, for the Inſpection, Reception, and Safe-keeping of all Indico at any Time hereafter to be paid or tendered in Payment of Public, County or Pariſh Taxes; and ſhall appoint and direct at what Time the Inſpector or Inſpectors ſhall attend to inſpect and receive the ſame; and every Inſpector that ſhall be appointed by Virtue of this Act, ſhall find Labourers equally with the Owner to aſſiſt in weighing the ſeveral Commodities he ſhall inſpect and weigh; and alſo, ſhall find and provide proper Steelyards or Scales, of the lawful Standard, for that Purpoſe. *A. D.* 1764.

Inſpectors to find Labourers, and provide Scales.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That all Indico paid in Diſcharge of Public, County or Pariſh Taxes, by Virtue of any Law of this Province, ſhall be firſt brought to one of the Public Warehouſes appointed by Act of Aſſembly for the Inſpection of Tobacco, to be erected or rented by Virtue of this Act as aforeſaid, and there inſpected; and any Inſpector of the County wherein ſuch Warehouſes are appointed, or ſhall be erected or rented as aforeſaid, on Notice given, ſhall attend according to the Directions of the Inferior Court, and carefully view and examine all ſuch Indico, and if it is dry, free from Duſt, Sand, and every fraudulent Mixture, and is, in the Opinion of ſuch Inſpector, good and merchantable, and ſuch as will entitle the Exporter thereof to the Bounty allowed by Act of Parliament, ſuch Inſpector ſhall weigh the ſame, and be obliged to deliver to the Perſon or Perſons bringing the ſame, as many promiſſory Notes, under the Hand of ſuch Inſpector, as he ſhall be required, for the full Quantity of Indico received by him; which Indico ſuch Inſpector ſhall carefully ſecure in Barrels, Boxes or Caſes; and the ſaid promiſſory Notes are hereby declared to be current and transferrable in Payment of all Public, County and Pariſh Taxes, at the Rate or Price of Four Shillings Proclamation Money, *per* Pound, and ſhall be paid and ſatisfied by ſuch Inſpector who ſigned the ſame, upon Demand: And every ſuch Inſpector ſhall be obliged, and is hereby required, to pack and ſecure all Indico by him received, in Barrels, Boxes or Caſes; and for every Barrel, Box or Caſe, by him paid away in Diſcharge of any promiſſory Note or Notes by him given, and containing Two Hundred Pounds Weight, Nett, and branded with the Groſs, Tare, and Nett Weight, and Name of the Inſpector, and nailed and ſecured fit for ſhipping, there ſhall be paid, by the Perſon receiving the ſame, the Sum of Five Shillings and Six Pence, to the Uſe of ſuch Inſpector, and ſo proportionably for Barrels, Boxes or Caſes, containing leſs; and ſuch Inſpector ſhall alſo have an Allowance of Three *per Cent.* for all Indico he ſhall pay away in Diſcharge of any ſuch Note or Notes, for Shrinkage and Waſte; and if any Inſpector by whom ſuch Note ſhall be given, ſhall refuſe or delay to ſatisfy the ſame when demanded, he ſhall forfeit and pay for every ſuch Refuſal or Neglect, the double Value of ſuch Indico ſo refuſed or neglected to be paid; to be recovered before any Juriſdiction having Cognizance thereof, with Coſts, to the Uſe of the Party grieved.

Indico paid for Taxes, to be inſpected.

Inſpector to give Notes for it; which ſhall be current in Payment of Taxes.

Inſpector to ſecure it in Caſes, &c.

His Fee for the ſame.

Allowed 3 *per Cent.* for Shrinkage.

Pen. on him for refuſing to pay his Note.

XVIII. *AND be it further Enacted*, That no Tender of Public, County or Pariſh Taxes, in Indico, ſhall be accounted lawful, unleſs the Payment of the ſame be tendered in Inſpectors Notes as aforeſaid; or unleſs each Payment ſhall be tendered on or before the Tenth Day of *March*, in the Year that they are or ſhall be payable.

Payment of Taxes in Indico, to be in Inſpectors Notes, tendered by 10th *March*.

XIX. *AND be it further Enacted*, That when any Indico ſhall be brought to any Inſpection, and ſhall be refuſed by the Inſpector there officiating, the Owner ſhall

Indico refuſed,

A. D. 1764.

Owner to ſort it at the Warehouſe,

immediately ſort and ſeparate the bad and unmerchantable from ſuch as is by this Act declared to be good and merchantable, at the Warehouſe where the ſame was refuſed, and the Inſpector ſhall receive ſo much thereof as in his Opinion is good and merchantable, and give a Note or Notes for the ſame.

Pen. on Inſpector neglecting to attend.

XX. *AND be it further Enacted*, That every Inſpector who ſhall be appointed by Virtue of this Act to inſpect Indico, ſhall give conſtant Attendance at the Times and Places by the Inferior Court ordered and appointed, under the Penalty of forfeiting to the Party grieved, Five Shillings Proclamation Money, for every Day he ſhall fail or neglect to attend; to be recovered by Warrant, with Coſts, before a Juſtice of the Peace; unleſs good Cauſe ſhewn for ſuch Neglect or Failure.

Diſpute about any Contract for Indico, neareſt Inſpector to be called, to inſpect the ſame.

XXI. *AND be it further Enacted*, That if any Perſon or Perſons ſhall ſell or contract for any Indico as good and merchantable, according to the Directions of this Act, and any Diſpute ſhall ariſe between the Buyer and Seller, concerning the Quality of the Indico offered or tendered in Diſcharge of ſuch Contract, it ſhall and may be lawful for the Parties, or either of them, to call the neareſt Inſpector of the County wherein ſuch Indico is tendered or offered as aforeſaid, who is hereby required to obey ſuch Call, and inſpect the ſame; and if it is in the Opinion of ſuch Inſpector, good, merchantable, and of Quality to entitle the Exporter to the Bounty allowed by Act of Parliament, he ſhall paſs the ſame, or otherwiſe refuſe it; and ſuch Inſpector ſhall be paid for his Trouble by the Party againſt whom he ſhall give Judgment, Five Shillings and Four Pence Proclamation Money.

His Fee.

Pen. for counterfeiting Inſpectors Notes, exporting Commodities with forged Brand, or packing them in branded Barrels.

XXII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon whatſoever ſhall forge or counterfeit any Note of any Inſpector, or tender in Payment, or expoſe to Sale any ſuch forged or counterfeit Note, knowing the ſame to be ſuch; or cauſe to be exported any Hemp, Flax, Flax-Seed, or Barrel of Pork, Beef, Rice, Flour, Butter, Tar, Pitch or Turpentine, or Barrel, Box, or Caſe of Indico, or expoſe the ſame to Sale, knowing the Brand thereon to be forged or counterfeited; or ſhall put or pack any Pork, Beef, Rice, Flour, Butter, Tar, Pitch, Turpentine, or Indico, into any Barrel, Firkin, Box or Caſe, branded by any Inſpector as aforeſaid, on Purpoſe to evade this Act, and to ſell or export ſuch Commodity without being inſpected; every Perſon ſo offending, and being thereof lawfully convicted before any Court of Record having Cognizance thereof, ſhall, for the firſt Offence, by Order of ſuch Court, have and receive on his or her bare Back, Thirty-nine Laſhes, well laid on; and moreover, ſhall ſuffer One Month's Impriſonment, without Bail or Mainprize; and for the ſecond Offence, ſhall be adjudged guilty of Felony.

Proceed. where Inſpectors Notes are loſt.

XXIII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Inſpectors Note as aforeſaid, ſhall be caſually loſt, miſlaid or deſtroyed, the Perſon or Perſons entitled to receive the Indico by Virtue of any ſuch Note, ſhall and may go before any Juſtice of the Peace, and make Oath in the Manner by Law directed, concerning Inſpectors Notes or Receipts for Tobacco, being loſt, miſlaid or deſtroyed; and thereupon, ſhall have the like Remedy and Relief, and be ſubject and liable to the ſame Penalties and Puniſhments for making falſe Oath therein, or producing forged

forged Certificates, knowing the ſame to be forged, as Perſons in the like Caſes are by the ſaid Law made liable and ſubject to. A. D. 1764.

XXIV. *AND be it further Enacted, by the Authority aforeſaid*, That all Staves, Heading, Shingles, Boards, Plank, Joiſts and ſquare Timber, which ſhall be ſold or ſhipped on board any Ship or Veſſel for Exportation, ſhall be of the following Dimenſions, otherwiſe ſhall not be deemed merchantable, and ſhall be forfeited to the Uſe herein after mentioned; *to wit*, Butt-Staves ſhall be Five Feet Nine Inches long, Four Inches broad, and an Inch thick on the Heart or thin Edge. Pipe-Staves Four Feet Eight Inches long, Four Inches broad, and Three Quarters of an Inch thick on the Heart or thin Edge. Hogſhead-Staves ſhall be Three Feet Six Inches long, Four Inches broad, and Three Quarters of an Inch thick on the Heart or thin Edge. Barrel-Staves ſhall be Two Feet Nine Inches long, Four Inches broad, and Three Quarters of an Inch thick on the Heart or thin Edge, for the *European* Market; and thoſe to be exported to the *Northern* Colonies, only Thirty Inches long, and of the ſame Breadth and Thickneſs with thoſe for the *European* Market. White-Oak Hogſhead Heading ſhall be Thirty Two Inches long, Six Inches broad, and One Inch thick on the Heart or thin Edge. Barrel-Heading ſhall be Nineteen Inches long, Six Inches broad, and Three Quarters of an Inch thick on the Heart or thin Edge. Shingles ſhall be Eighteen and an Half Inches long, Five Inches broad, and Five Eighths of an Inch thick: Which ſaid ſeveral Sorts and Kinds ſhall be of the Dimenſions aforeſaid, at the leaſt, and well got, of good, ſound, merchantable Timber; and every Board, Plank, Piece of Scantling, or other ſquare Timber, being marked with the Number of more Feet than they contain, ſhall be forfeited to the Churchwardens, for the Uſe of the Pariſh; and no Boards or Plank ſhall be deemed merchantable, or paſſed by any Inſpector, that is not free from any Split Twelve Inches long, has no Edge leſs than half an Inch thick, and is not free from Holes: That all Deer-Skins that ſhall hereafter be expoſed to Sale, ſhall be clean, and free from Fleſh, and the Claws and Sculls taken therefrom, and otherwiſe merchantable. *Provided nevertheleſs*, That no Staves, Heading, Shingles, Boards, Plank, ſquare Timber, or Deer-Skins, ſhall be inſpected, unleſs required.

Dimenſions of Lumber.

Lumber marked too much, to be forfeited.

Qual. of Boards, Plank, and Deer-Skins.

Lumber, &c. not to be inſpected, unleſs required.

XXV. *AND be it further Enacted*, That when any Diſpute ſhall ariſe between the Buyer and Seller of any Staves, Heading, Shingles, Boards, Scantling, Plank or Timber, or Deer-Skins, as aforeſaid, in Reſpect of the Quality, Dimenſions and Quantity thereof; it ſhall and may be lawful for either Party to call on the neareſt Inſpector of the County; which Call he is hereby required to obey, to view, inſpect, and meaſure the ſame; and to paſs ſo much thereof as he ſhall be of Opinion is good and merchantable, according to the Directions of this Act, and to refuſe the reſt.

Neareſt Inſpector to be called, on any Diſpute about Lumber.

XXVI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Inſpector to be appointed by this Act, ſhall receive or take, directly or indirectly, any Fee, Gift, Gratuity or Reward whatſoever, of any Perſon, for reſigning or giving up his Office of Inſpector, he ſhall not only be for ever thereafter diſabled from holding or executing the ſaid Office, but, for ſuch Offence, ſhall forfeit and pay the Sum of Forty Pounds Proclamation Money; to be recovered with Coſts, in any Court of Record, to the Uſe of the Informer, by Action of Debt, Bill, Plaint, or Information;

Pen. on Inſpector taking Fee for giving up his office.

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And on the Perſon offering ſuch Fee.

mation; and every Perſon offering and paying, directly or indirectly, any Gratuity or Reward whatſoever, to any Inſpector to reſign or give up his ſaid Office, ſhall, for his ſaid Offence, be for ever diſabled from holding the ſaid Office of Inſpector in this Province.

No perſon holding any Poſt of Profit, to be Inſpector.

Inſpector incapable of ſitting in Aſſembly.

XXVII. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon holding any Poſt or Place of Profit by Deputation or otherwiſe, ſhall be appointed to the Office of Inſpector, or ſhall, during his Continuance therein, be capable of being elected Member of the Aſſembly; and if any Member of Aſſembly ſhall accept of the ſaid Office during his being ſuch, he ſhall be, and is hereby declared from thenceforth to be diſabled to ſerve as a Member of Aſſembly, and ſhall not ſit, vote or act, in Aſſembly, but ſhall be, to all Intents and Purpoſes, incapable, as if he had never been returned or elected a Member of Aſſembly; and if any Perſon ſhall be appointed to ſuch Office, and ſhall accept of any Poſt or Place of Profit after ſuch Appointment, he ſhall be rendered incapable to hold his ſaid Office of Inſpector; and the Court ſhall proceed to appoint another Inſpector in the Room of ſuch Perſon taking upon him ſuch Poſt or Place of Profit, according to the Directions of this Act.

Inſpector's Fees.

XXVIII. *AND be it further Enacted, by the Authority aforeſaid*, That every Inſpector ſhall be entitled to the following Fees, to be paid in Proclamation Money; *to wit*, For every Buſhel of Flax-Seed, One Penny; and for every Barrel of Pork or Beef, Eight Pence; and for every Barrel of Rice inſpected, Eight Pence; for every Barrel of Flour, Caſk or Firkin of Butter, Four Pence; for every Barrel of Tar, Three Half-pence; for every Barrel of Pitch or Turpentine, Two Pence; for every Thouſand Staves or Heading, reckoning Six Score to the Hundred, One Shilling; for every Thouſand Shingles, Four Pence; for every Thouſand Feet, ſuperficial Meaſure, of Boards, Plank and Scantling, One Shilling; for every Ton of other Lumber, One Shilling; for inſpecting and weighing each Deer-Skeen, One Half-penny.

Cultivator of merchantable Hemp allowed the Bounty.

XXIX. *AND be it Enacted, by the Authority aforeſaid*, That when any Hemp or Flax, tendered for Inſpection, ſhall be found merchantable by any Inſpector appointed by Virtue of this Act, the Cultivator thereof, or his Aſſigns, complying with the other Regulations preſcribed and directed in and by an Act paſſed in the preſent Year One Thouſand Seven Hundred and Sixty Four, intituled, *An Act, for encouraging the Culture of Hemp and Flax, and other Purpoſes*, ſhall be entitled to the Bounty or Premium allowed thereupon by the ſaid Act; which ſaid recited Act is hereby declared to be in Force, in every Clauſe and Article thereof.

Tobacco Warehouſes may be erected by a Tax on the County; and Inſpectors appointed.

XXX. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Juſtices of each and every Inferior Court within this Province, where there is not a Warehouſe already built for the Inſpection and Safe-keeping of Tobacco, and where the ſame ſhall be wanting or thought requiſite, to lay ſuch Tax on the taxable Perſons within their ſeveral Counties, as ſhall be thought ſufficient for building any ſuch Warehouſe; and ſhall and may cauſe the ſame to be done at ſuch Place or Places as to them ſhall be deemed moſt convenient for the ſame; and appoint an Inſpector for every ſuch Warehouſe; which Inſpector ſhall be entitled to the ſame Fees, and liable to the like Fines and Forfeitures, as other Tobacco Inſpectors are by Virtue of the Laws of this Province.

XXXI. AND

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Courts to regulate the Inſpection of Commodities not mentioned in this Act; and Pen. on the Inſpector neglecting ſuch Regulation.

XXXI. AND whereas many Commodities not in this Act mentioned, may hereafter be exported out of this Province; *Be it therefore Enacted, by the Authority aforeſaid*, That whenever any Commodities not herein mentioned, ſhall be exported out of this Province, the Inferior Courts within their reſpective Counties, ſhall regulate the Inſpection thereof, and aſcertain the Fees of the Inſpector therein; and every Inſpector refuſing or neglecting to obſerve ſuch Regulation, or to take greater or other Fees than ſuch as are appointed by his reſpective Inferior Court, ſhall be liable to the ſame Penalties as are by this Act mentioned for the Neglect or Refuſal of his Duty in inſpecting any of the Commodities herein particularly mentioned.

Recovery, and Application of Fines and Forfeitures.

XXXII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſeveral Fines and Forfeitures by this Act inflicted, for which no Method of Recovery or Application is herein before directed, ſhall and may be recovered, with Coſts, before any Juriſdiction having Cognizance thereof; one half to the Uſe of the Proſecutor, and the other half to the County wherein ſuch Penalty ſhall be incurred; to be applied by the Juſtices of the Inferior Court, towards leſſening the County Tax.

Continuance of the Act.

XXXIII. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall continue and be in Force for and during the Term of Five Years after the paſſing thereof, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. VI.

An Act, for regulating the Pilotage of Cape-Fear *River, and other Purpoſes.*

Preamble.

I. WHEREAS the great Increaſe of the Trade of *Cape-Fear* River, renders the Attendance of the Pilots at the Bar indiſpenſibly neceſſary, for the Safety of Veſſels coming in and going out of the ſaid River:

Commiſſioners of Pilotage appointed; who are to examine Pilots.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and it is hereby Enacted, by the Authority of the ſame*, That the Honourable *Lewis DeRoſſett, William Dry, Benjamin Heron*, and *Jacob Lobb, John Du Bois, Caleb Grainger, Robert Ellis*, and *John Wilkinſon*, Eſquires, be, and are hereby appointed Commiſſioners of the Pilotage of *Cape-Fear* River; and they, or the Majority of them, are hereby authorized and impowered, from Time to Time, to examine ſuch and ſo many Perſons who ſhall offer themſelves to be Pilots for *Cape-Fear* aforeſaid, not exceeding Twelve in Number.

And on approving them, to give Certificate thereof to the Governor.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners, or the Majority of them, on their approving any Perſon to be Pilot, ſhall give to ſuch Perſon a Certificate, under their Hands, to the Governor or Commander in Chief for the Time being, in order for his Approbation, and to obtain a Branch to act as Pilot for the ſaid River.

Branch Pilots to give Bond, &c.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That every ſuch Perſon ſhall, before he obtains a Branch to be Pilot, give Bond, with Two ſufficient

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Performance of their Duty; which may be ſued by Perſons injured, till the whole Pen. recovered.

Securities, to the Governor or Commander in Chief for the Time being, and his Succeſſors, in the Sum of Five Hundred Pounds, Proclamation Money; with Condition for the due and faithful Diſcharge of his Office; to be recorded and lodged in the Secretary's Office: Which Bond ſhall be in Truſt for ſuch Perſon or Perſons as ſhall appear to be injured by ſuch Pilot's Negligence or Non-performance of the Condition of his ſaid Bond; and ſhall be aſſigned to any Perſon or Perſons ſo injured, petitioning for the ſame; who ſhall and may maintain an Action thereon: And ſuch Bond ſhall not be void upon the firſt Recovery, or if Judgment ſhall paſs for the Defendant, but may be put in Suit from Time to Time, by any Perſon who ſhall be injured by a Breach of the Condition thereof, until the whole Penalty of the Bond be recovered.

Commiſſioners to remove Pilots, on Miſbehaviour.

V. *AND be it further Enacted, by the Authority aforeſaid*, That upon the Miſbehaviour of any Pilot in his Office, the Commiſſioners aforeſaid, or the Majority of them, ſhall, and they are hereby authorized and impowered, to remove ſuch Pilot from his Office, by a Note in Writing, ſubſcribed by them, or the Majority of them, directed to ſuch Pilot, ſignifying that he ſhall no longer act as Pilot; and to appoint another in his Stead, by Warrant under their, or the Majority of their reſpective Hands and Seals, until the Pleaſure of the Governor or Commander in Chief ſhall be known thereon.

Number of Pilots to attend the Bar.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That any Number of Pilots, not exceeding Eight, may be appointed as aforeſaid, to attend the Bar of the ſaid River, and to pilot Veſſels coming up or going down from *Brunſwick*, and no higher; who may take and receive, in Proclamation Money, the following Rates for ſuch Service, for each Veſſel they ſhall pilot over the Bar to *Brunſwick*, and out again to Sea; *to wit*,

Their Fees, for Pilotage to *Brunſwick*.

For every Veſſel drawing, when loaded, Six Feet Water, in and out from *Brunſwick* only, the Sum of - - - - £. 2 0 0

	£.		
For a Veſſel drawing Seven Feet,	2	5	0
8 Feet,	2	10	0
9 Feet,	3	0	0
10 Feet,	3	10	0
11 Feet,	4	10	0
12 Feet,	5	10	0
13 Feet,	6	0	0
14 Feet,	6	10	0
15 Feet,	7	0	0
16 Feet,	7	10	0
17 Feet,	8	0	0

Fees from *Brunſwick* to *Wilmington*.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That any Number of Pilots, not exceeding Four, may be appointed as aforeſaid, to pilot Veſſels from *Brunſwick* to *Wilmington*; who ſhall and may receive, in Proclamation Money, the following Rates; if from *Brunſwick* to *Wilmington*, and back again to *Brunſwick*, one half of the aforeſaid Rates; if to the *Flats*, and back again to *Brunſwick*, one fourth of the aforeſaid Rates, according to the Draught of Water ſuch Veſſel ſhall draw.

Pen. on them for

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That no Pilot ſhall preſume to take any greater Fees than aforeſaid, under the Penalty of Ten Pounds Proclamation

clamation Money; to be recovered by Action of Debt, by any Perſon ſuing for the ſame, in any Inferior Court in *New-Hanover*, or *Brunſwick* County; one Half to the Informer, the other Half to the Governor or Commander in Chief for the Time being; to be applied towards erecting Beacons and Buoys, and keeping them in Repair.

A. D. 1764. taking greater Fees.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That if any Veſſel ſhall come over the Bar before a Pilot gets on board the ſame, the Maſter of ſuch Veſſel ſhall not be liable to pay more than one Half of the ſaid Pilotage allowed by this Act, for bringing Veſſels from the Bar to *Brunſwick*, unleſs ſuch Pilot ſhall make Oath, that he did his utmoſt Endeavours to get to ſuch Veſſel before ſhe came over the Bar; any Thing herein before contained to the contrary, notwithſtanding.

Veſſels coming over the Bar before a Pilot gets on board, ſubject but to half Fees.

X. *AND be it further Enacted, by the Authority aforeſaid*, That if any Pilot ſhould wilfully neglect his Duty, on Complaint and Conviction before any Juſtice of the Peace, he ſhall be fined Twenty Shillings Proclamation Money, for the Uſe of the Informer, and be further liable to all Damages that may be ſuſtained; to be recovered by the Party aggrieved, before any Juriſdiction having Cognizance thereof.

Pen. on Pilots neglecting their Duty.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Maſter or Commander of any Veſſel, who ſhall ſend for, or take on board a Pilot to conduct ſuch Veſſel from one Place to another in the ſaid River, and ſhall afterwards delay tranſporting the ſaid Veſſel, (Wind and Weather permitting) the Maſter or Commander thereof, ſhall pay unto the Pilot attending, Eight Shillings Proclamation *per Diem*, for each and every Day he ſhall be ſo detained.

Maſters of Veſſels detaining Pilots, to pay them 8 s. per Day.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners aforeſaid, ſhall affix a true Copy or Table of the ſeveral Rates of Fees aforeſaid, to be taken by the Pilots, at the Collector's Office, Naval Office, and Fort *Johnſton*, that the Maſters of Veſſels and others concerned, may have Recourſe thereto.

Commiſſioners to affix a Table of Pilots Fees in the Collector's and Naval Office, and Fort *Johnſton*.

XIII. AND whereas it is highly expedient to prevent any contagious, peſtilential or malignant Diſtemper from being brought into the ſaid River; *Be it Enacted, by the Authority aforeſaid*, That the Commander of Fort *Johnſton* for the Time being, ſhall be, and is hereby authorized and impowered, to bring too all Veſſels bound inwards; and to oblige the Maſter of ſuch Veſſel to come on Shore into the ſaid Fort, and take an Oath concerning the Health of all ſuch Perſons as ſhall be on board his ſaid Veſſel, and whether there was any contagious or infectious Diſtemper at the Place from whence he laſt came; which ſaid Oath, the Commander of the ſaid Fort is hereby impowered to adminiſter: And if it ſhall appear in ſuch Oath, that any Perſon on board the ſame is diſtempered, or that there is Reaſon to ſuſpect that any Perſon on board is infected with the Small-Pox, or other contagious Diſorder, the Commander of ſuch Fort is hereby impowered and directed to oblige the Maſter of ſuch Veſſel to moor his ſaid Veſſel as near *Battery-Iſland*, oppoſite the ſaid Fort, as the Safety of the ſaid Veſſel will permit; and to prevent any Perſon going to, or coming from ſuch Veſſel, (Perſons carrying Proviſions to ſuch Veſſel, only excepted,) until

Peſtilential Diſtempers by Shiping prevented, by the Commander of Fort *Johnſton*'s bringing too all Veſſels; and obliging ſuch as have any Diſtemper, to perform Quarentine.

A. D. 1764. until ſhe hath lain and performed Forty Days Quarentine, or be permitted thereto, by Order from the Governor or Commander in Chief, or Three Juſtices of the Peace for the Counties of *New-Hanover* or *Brunſwick*.

Commander of the Fort to give a Bill of Health to Veſſels having no Diſtemper on board.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe no Perſon ſhall be diſtempered on board, or that the Commander of the Fort for the Time being, hath no juſt Reaſon to ſuſpect any Perſon in the ſaid Veſſel to be infected with the Small-Pox, or other contagious Diſorders, then the Commander of the ſaid Fort ſhall give a Bill of Health, and Permiſſion to paſs by the ſaid Fort, directed to the Collector or other chief Officer of the Cuſtoms; and the Commander of the ſaid Fort for the Time being, ſhall and may have and receive from the Maſter of ſuch Veſſel, the Sum of Five Shillings Proclamation Money, for adminiſtering the ſaid Oath, and ſigning a Bill of Health.

Pen. on Maſters of Veſſels breaking Quarentine.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That if the Maſter of any Veſſel ordered to be moored as aforeſaid, or being moored by Order of the ſaid Commander of the ſaid Fort, ſhall preſume to come on Shore, or ſuffer any Perſon to come on Shore from on board ſuch Veſſel, except on *Battery-Iſland*, ſuch Maſter ſhall forfeit and pay the Sum of Five Hundred Pounds Proclamation Money; to be recovered by Action of Debt, in any Superior Court of Juſtice within this Province, by the Commiſſioners of the ſaid Fort for the Time being; one Fourth of which to the Uſe of the Informer, the other Three Fourths to the Commiſſioners of the ſaid Fort, for maintaining and keeping the ſame in Repair.

Pen. on Collector, &c. entering Veſſels without a Bill of Health.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That the Collector and Naval Officer, and each of them, is, and are hereby forbid to admit any Veſſel to an Entry, until ſuch Bill of Health and Permit, ſigned by the Commander of Fort *Johnſton* for the Time being aforeſaid, be delivered to him or them by the Maſter of ſuch Veſſel, or ſome Perſon on his Behalf, under the Penalty of One Hundred Pounds Proclamation Money; to be recovered by Action of Debt, in any Superior Court of Juſtice in this Province, by the Commiſſioners of the ſaid Fort for the Time being; to be applied towards keeping the ſaid Fort in Repair.

Veſſels to be waſhed with Vinegar, & ſmoaked with Brimſtone, after performing Quarentine.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That where any Veſſel ſhall have performed Quarentine, the Maſter of ſuch Veſſel ſhall, before he be permitted to enter his ſaid Veſſel, waſh the Hold of the ſaid Veſſel with Vinegar, and ſmoke the ſame with Brimſtone.

Clauſe to be added to Maſters of Veſſels Bond, not to carry off any Servants or Slaves, and to pay their Pilotage.

XVIII. AND whereas ſeveral of the Inhabitants of *Cape-Fear* River, and Pilots, have been greatly injured by Maſters of Veſſel carrying Negroes and Servants out of this Province, and by departing themſelves without paying their Pilotage: *Be it therefore Enacted, by the Authority aforeſaid*, That all Bonds taken from Maſters of Veſſels, by Virtue of an Act, intituled, *An Act, for Entering of Veſſels, and to prevent the Exportation of Debtors*, ſhall have further Conditions added thereto, to the following Purpoſe; that is to ſay, That the Maſter giving ſuch Bond, ſhall not tranſport or carry off any Negro Slave or Slaves, Servant or Servants, belonging to any Inhabitant or Inhabitants of this Province, and ſhall not depart the Port without paying Pilotage, according to Law; and in Caſe of a Breach of the Condition, or

Part

Part thereof, hereby directed to be inſerted in the ſaid Bond, the Maſter and his Securities, or either of them, ſhall be liable to the Penalties thereof, in the ſame Manner as in Caſe of the Breach of any other Part of the Condition of the ſaid Bond.

Duty laid for erecting Beacons at the Mouth of the River.

XIX. AND whereas the erecting Beacons and Buoys at the Mouth of *Cape-Fear* River, would greatly facilitate the Navigation thereof, *Be it further Enacted*, That a Duty of Six Pence per Ton be, and is hereby laid on all Veſſels coming into the Port of *Brunſwick* to unload Goods, other than ſuch as belong to an Inhabitant of this Province, for and during the Term of Three Years, next after the paſſing this Act; which Duty *John Paine*, Eſq; is hereby impowered to receive, after having given Bond, with ſufficient Securities, to the Governor or Commander in Chief for the Time being, in the Sum of One Thouſand Pounds, Proclamation Money, conditioned, that he will well and truly account with, and pay to the ſaid Commiſſioners, or their Order, when thereto required, all ſuch Sums of Money as he ſhall receive by Virtue of this Act, firſt deducting Five *per Cent.* for receiving the ſame; and in Caſe of a Breach of the Condition of the ſaid Bond, the ſame may be put in Suit, and the Monies recovered thereon ſhall be applied to the Purpoſes for which the above Duty is laid; which Bond ſhall be recorded and lodged in the Secretary's Office; and the ſaid Monies ariſing on the Duty aforeſaid, ſhall, by the ſaid Commiſſioners, be applied to the erecting Beacons and Buoys as aforeſaid.

Collector appointed.

Precautions for the Safety of Veſſels coming on the Coaſt in thick Weather.

XX. AND whereas it happens that Veſſels bound into the River aforeſaid, often come on the Coaſt in thick Weather, and frequently fire Guns to acquaint the Pilots of their being on the Coaſt: *Be it therefore Enacted*, That the Commander of the ſaid Fort, for the Time being, ſhall, and he is hereby required to anſwer ſuch Veſſels, by firing one or more Guns, not exceeding Three; and the Commander of the ſaid Fort ſhall forthwith give Notice to the Pilot or Pilots, of ſuch Veſſel being on the Coaſt; and if ſuch Pilot ſhall not forthwith go out to ſuch Veſſel, (Wind and Weather permitting) ſuch Pilot ſhall forfeit and pay the Sum of Five Pounds, Proclamation Money, for every Neglect; to be recovered before any Juriſdiction having Cognizance thereof, by the Commander of the Fort; one half to the Informer, the other Half to the Commiſſioners of the ſaid Fort; to be applied to the Uſe of the ſaid Fort.

Succeſſion of Commiſſioners.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe of the Death, Refuſal to act, or Removal out of the County, or other Diſability, of any of the ſaid Commiſſioners, it ſhall and may be lawful for the remaining Commiſſioners, or the Majority of them, and they are hereby directed to elect another in the Room of ſuch Commiſſioner, having due Regard to his Place of Reſidence, ſo as one Half of the Commiſſioners be on the Eaſt Side of the River, and the other Half on the Weſt Side; which Commiſſioner ſo elected ſhall be, and is hereby inveſted with all the Power and Authority of any Commiſſioner herein before named.

Repealing Clauſe.

XXII. *AND be it further Enacted, by the Authority aforeſaid*, That ſo much of an Act, intituled, *An Act, for regulating the Pilotage of* Cape-Fear *River, and to impower the Captain of Fort* Johnſton, *at the Mouth of the ſaid River, to examine all Veſſels entering the ſaid River, concerning the Health of their Crews on board the ſaid Veſſels*, as is within the Purview of this Act, is hereby repealed and made void.

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CHAP. VII.

An Act, for regulating Proceedings in the Court held for the Borough of Wilmington.

Recital.

I. WHEREAS his preſent Majeſty, by his Royal Charter, bearing Date the Fifth Day of *March*, in the Year of our Lord 1763, hath been graciouſly pleaſed to conſtitute the Town of *Wilmington*, with the Precincts and Liberties thereof, a Borough, by the Name of *The Borough of Wilmington*; and among other Privileges, hath impowered the Mayor, Recorder and Aldermen, of the ſaid Borough, and their Succeſſors for ever, or any Three of them, whereof the Mayor or Recorder to be one, to hold a Court within the ſaid Borough every Two Months, with Power to hear and determine all Suits, Matters and Things, brought before them, where the Cauſe of Action between Perſons reſident in the ſaid Borough, and tranſient Perſons not reſiding in the Province, ſhall ariſe within the ſaid Borough, or the Liberties thereof; and where the Debt or Damages ſhall not exceed Twenty Pounds, Proclamation Money; and holding ſaid Courts regularly, will tend greatly to promote the Trade and Commerce of the ſaid Borough:

Corporation may hold Courts, agreeable to their Charter.

II. *BE it therefore Enacted by the Governor, Council and Aſſembly, and it is hereby Enacted, by the Authority of the ſame*, That the ſaid Mayor, Recorder and Aldermen, and their Succeſſors for ever, or any Three of them, whereof the Mayor or Recorder to be one, ſhall and may, and are hereby authorized and impowered, to hold the ſaid Courts on the Days and Times in the ſaid Charter for that Purpoſe mentioned, and to take Cognizance, and hear and determine all Suits, Matters and Things brought before them, by Writ, Petition, Summons or other Proceſs, where the Cauſe of Action or Suit ſhall ariſe within the ſaid Borough, or Liberties thereof, and where the Debt, Damages or Cauſe of Action, ſhall not exceed Twenty Pounds, Proclamation Money; and to award Execution thereon.

Proviſo.

III. *PROVIDED always*, That no Suit ſhall be brought in the Court of the ſaid Borough, for any Debt contracted before the paſſing of this Act; any Thing herein contained to the Contrary, notwithſtanding.

Appeal granted.

IV. AND, *provided alſo*, That if any Perſon or Perſons ſhall be diſſatisfied with the Judgment of the ſaid Court, he may appeal therefrom to the Superior Court of the Diſtrict of *Wilmington*; which Appeal ſhall be granted, under the like Rules and Reſtrictions, and taken Cognizance of by the Superior Court, in the ſame Manner, as Appeals granted from other Inferior Courts in this Province.

Proceedings in Mayor's Court regulated.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Court in taking Cognizance of, iſſuing Proceſs, hearing and determining, rendering Judgment and awarding Execution, in any Suit, Matter or Thing, commenced or proſecuted therein, ſhall and may uſe and exerciſe the ſame Powers and Authorities, and are hereby required and directed to obſerve the like Proceedings, Rules, Methods and Regulations, that are or may be put in practice and obſerved by the reſpective Inferior Courts within this Province, in Suits commenced and proſecuted in any of the ſaid Courts.

VI. *AND*

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Courts to be held for the ſaid Borough, or Proceedings therein depending, ſhall not be diſcontinued for or by Reaſon of the ſaid Mayor, or Recorder and Aldermen, failing to hold the ſame on the Days by the ſaid Charter appointed; but in ſuch Caſe, all Proceſs, Matters and Things therein depending, ſhall ſtand continued, and all Appearances, on the Returns of Proceſs, ſhall be made to the next ſucceeding Court in Courſe.

Court not diſcontinued by Neglect of meeting.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That all Writs, Summonſes, and other Proceſs whatſoever, iſſued out of the ſaid Court, ſhall bear Teſt of the Mayor of the ſaid Borough, and be ſigned by the Clerk of the ſaid Court, and be directed to the Bailiff of the ſaid Borough for the Time being, to execute; and the ſaid Bailiff ſhall have Power, and is hereby directed and required, to execute every ſuch Proceſs, agreeable to the Rules and Reſtrictions by Law required to be obſerved by Sheriffs in executing Proceſs iſſuing from the Inferior Courts of Pleas and Quarter Seſſions in this Province, and ſhall be ſubject to the like Penalties, Remedies and Relief, for Neglect of Duty therein, as any of the ſaid Sheriffs are liable to.

Writs to bear Teſt of the Mayor, and how executed.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Clerk of the ſaid Court to be held for the ſaid Borough, before every Court, ſhall iſſue a *Venire Facias*, directed to the Bailiff of the Borough of *Wilmington*, requiring him to ſummon Twelve Freeholders, reſiding within the ſaid Borough, or the Liberties thereof, to appear at the ſaid Court to ſerve as Petit Jurymen, who being ſo ſummoned and appearing, ſhall, and are hereby declared to be a legal Jury, and to try Iſſues and other Matters in the ſaid Court depending, proper for the Enquiry of a Jury; and every Juryman, being ſummoned and failing to appear, may be fined by the ſaid Court, a Sum not exceeding Three Pounds, Proclamation Money, for his Neglect; to be applied to the Uſe of the ſaid Borough.

Jurors appointed.

Pen. for neglecting to meet.

IX. *PROVIDED always*, That if the Bailiffs ſhall fail to ſummon Twelve Freeholders to ſerve as Petit Jurors as aforeſaid, or any of the Freeholders ſo ſummoned ſhall fail to attend, it ſhall and may be lawful for the ſaid Court to order and direct the Bailiff to ſummon of the By-ſtanders other Perſons to ſerve as Jurymen; and the Perſons ſo ſummoned, ſhall be deemed and held lawful Jurymen; and every Perſon ſo ſummoned of the By ſtanders who ſhall fail to appear and ſerve as a Juryman, ſhall be fined a Sum not exceeding Twenty Shillings; unleſs he can ſhew ſufficient Cauſe, to be admitted by the Court; which Fine ſhall be applied as other Fines by this Act directed.

By-ſtanders may be ſummoned as Jurors.

Penal. for Non-Appearance.

X. AND whereas the ſaid Mayor and Aldermen are, in and by the ſaid Charter, impowered and authorized, for the good Government and Public Service of the ſaid Borough, to impoſe certain Fines and Taxes upon the Inhabitants thereof; *Be it therefore Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Bailiff of the ſaid Borough, upon proper Proceſs to him directed, to levy all ſuch Fines and Taxes as by the ſaid Mayor, Recorder, Aldermen and Freeholders, ſhall be ſet and aſſeſſed.

Bailifs impowered to levy Fines laid by the Mayor, &c.

XI. AND whereas there is at preſent no Court-Houſe and Gaol for the ſaid Borough; *Be it therefore Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful

Corporation may uſe the Court-

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House, Prison, &c. of *New-Hanover* County.

lawful for the Mayor, Recorder and Aldermen of the said Borough, to make Use of the Court-House, Prison, Pillory and Stocks of *New-Hanover* County, till such Time as a Town-Hall, Prison, Pillory and Stocks for the Use of the said Borough be erected; Provided, that such Use shall not be had wherein to interfere with the Business of *New-Havover* County.

Mayor's Court to appoint Surveyors of the Streets, &c. and order Persons to work thereon.

XII. *AND be it further Enacted, by the Authority aforesaid*, That the said Mayor, Recorder and Aldermen, are hereby required and impowered, to nominate Surveyors of the Streets, Public Wharffs, Docks and Roads, within the said Borough, and to appoint Persons to work thereon, under the same Regulations and Penalties, and with the same Powers and Authorities, as by the Laws of this Province the Justices of the several Inferior Courts are impowered and required to order and regulate working on the Public Roads within their several Counties.

Repealing Clause.

XIII. *AND be it further Enacted, by the Authority aforesaid*, That so much of an Act, intituled, *An Act, for the Regulation of the Town of* Wilmington, as relates to the Appointment of Commissioners for the said Town, is, from henceforth, repealed and made void.

Continuance of the Act.

XIV. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall continue and be in Force for and during the Term and Space of Two Years, from and after the passing thereof, and from thence to the End of the next Session of Assembly, and no longer.

CHAP. VIII.

An Act, to amend an Act therein mentioned, concerning Servants and Slaves.

Preamble.

I. WHEREAS by the Fourth, Fifth, and Sixth Sections of an Act of Assembly of this Province, passed in the Year of our Lord One Thousand Seven Hundred and Fifty Eight, intituled, *An additional Act to an Act, intituled*, An Act, concerning Servants and Slaves, it is Enacted, That no male Slave shall, for the first Offence, be condemned to Death, unless for Murder or Rape; but for every other capital Crime, shall, for the first Offence, suffer Castration; and that the Court trying such Slave shall value the same:

Sections of an Act repealed.

II. *BE it Enacted, by the Governor, Council, and Assembly, and it is hereby Enacted, by the Authority of the same*, That the said Fourth, Fifth, and Sixth Sections of the aforesaid Act, be, and are hereby repealed and made void.

Allowance to the Owner of Slaves, executed.

III. *AND be it further Enacted, by the Authority aforesaid*, That there shall not be allowed by the Public to the Owner of any Slave who shall hereafter be executed in Virtue of the Judgment of the Court who shall try such Slave, any larger Sum than Eighty Pounds Proclamation Money; any Law, Usage or Custom, to the contrary, notwithstanding.

CHAP.

CHAP. IX.

A. D. 1764.

An Act, to prevent hunting for, and killing Deer in the Manner therein mentioned.

Preamble.

I. WHEREAS many Perſons do, under a Pretence of hunting for Deer in the Night-time, by Fire-light, kill and deſtroy Horſes and Cattle, to the great Prejudice of the Owners: To prevent which for the future,

Hunting in the Night by Fire-light, prevented.

II. *BE it Enacted, by the Governor, Council and Aſſembly, and by the Authority of the ſame,* That if any Perſon ſhall be diſcovered hunting, with a Gun in the Night-time, by Fire-light, ſuch Perſon ſhall forfeit and pay, for every Offence, Forty Shillings, Proclamation Money; to be recovered, by any Perſon who ſhall ſue for the ſame, before any Juriſdiction having Cognizance thereof, with Coſts.

CHAP. X.

An Act, for enlarging the Time for ſaving Lots in the Town of Halifax, *and other Purpoſes.*

Private.

I. WHEREAS, from many unavoidable Hindrances, it hath been impracticable for the Proprietors of Lots in the Town of *Halifax*, to compleat the Buildings on the ſaid Lots, agreeable to Law:

II. *BE it therefore Enacted, by the Governor, Council and Aſſembly, and by the Authority of the ſame,* That every Lot in the ſaid Town on which a Houſe ſhall be erected and built, of the Dimenſions mentioned in one Act of Aſſembly, intituled, *An Act, for eſtabliſhing a Town on the Land of* James Leſlie, *on* Roanoke *River*; or one other Act, intituled, *An Act, for enlarging the Time for ſaving Lots in the Town of* Halifax, *preventing the building of Wooden Chimnies therein, and other Purpoſes*; within the Space of Three Years next after the paſſing of this Act; and alſo, every Lot therein which ſhall hereafter be ſold or conveyed, on which ſuch Houſe ſhall be erected within the Space of Three Years after the Date of the Conveyance executed for the ſame; ſhall, and is hereby declared to be veſted in the Grantee thereof, and his Heirs and Aſſigns, in Fee Simple; any Thing contained to the contrary in the ſaid recited Acts, notwithſtanding.

III. *AND be it further Enacted, by the Authority aforeſaid,* That when any Lot in the ſaid Town ſhall hereafter lapſe, by Reaſon of its not being built on, the Directors and Truſtees of the ſaid Town, or the Majority of them, ſhall and may, and are hereby directed and required, to ſell ſuch Lot at Public Vendue, for the beſt Price that can be got, and to give the Purchaſers a Deed of Bargain and Sale for the Lot by him ſo purchaſed.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That the Directors and Truſtees of the ſaid Town ſhall and may, and are hereby directed and required, to make Sale of all other Lots in the ſaid Town not already diſpoſed of, for the beſt Price that can be got; and to give the Purchaſer of every ſuch Lot a Deed of Bargain and Sale for the ſame.

V. *AND be it further Enacted, by the Authority aforeſaid,* That the Fee-Simple Eſtate of every Lot in the ſaid Town, heretofore ſold and conveyed in Purſuance of either of the afore-recited Acts, or that ſhall hereafter be ſold or conveyed by Virtue of this preſent Act of Aſſembly, that hath been, or ſhall be built on within the Time or Times limited by the ſaid Acts, or this preſent Act, ſhall be, and is hereby veſted in the Purchaſer of ſuch Lot, his Heirs and Aſſigns, againſt every Perſon claiming, or to claim any Right or Intereſt therein.

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VI. *AND be it further Enacted, by the Authority aforeſaid,* That all Monies which the ſaid Directors and Truſtees ſhall, from Time to Time, receive, for any Lot or Lots by them to be ſold or diſpoſed of, ſhall by them be applied to the common Uſe and Benefit of the ſaid Town.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That it ſhall not be lawful for any Perſon whatſoever to erect any Wooden Chimney in the ſaid Town; and every Perſon who hath already built any ſuch Chimney therein, ſhall pull down the ſame within the Space of Six Months after the paſſing this Act: And if any Perſon ſhall preſume to act contrary hereto, in erecting any Wooden Chimney in the ſaid Town, or in failing to pull down any ſuch already erected, it ſhall and may be lawful for the ſaid Directors and Truſtees, or the Majority of them, by their Order, to direct the Sheriff of the County of *Halifax* to pull down and deſtroy every ſuch Chimney; which Order the ſaid Sheriff is hereby directed and required to obey; and ſhall be paid for every ſuch Service the Sum of Twenty Shillings Proclamation Money, by the Party offending; and in Caſe he ſhall fail or neglect to pay the ſame, it ſhall be levied on his Goods and Chattels, by a Warrant of Diſtreſs from the Directors and Truſtees of the ſaid Town, or the Majority of them.

VIII. AND whereas ſome of the Directors and Truſtees of the ſaid Town are dead, and others of them removed out of the Country; *Be it therefore Enacted, by the Authority aforeſaid,* That from and after the paſſing of this Act, the Honourable *Alexander McCulloch*, Eſq; *Robert Jones*, Jun. *Blake Baker*, *Joſeph Montfort*, *John Eelbank*, *James Young*, and *John Thompſon*, Gentlemen, ſhall be, and they are hereby appointed Directors and Truſtees of the ſaid Town, in the Place and Stead of thoſe appointed by, or elected in Virtue of the afore-recited Acts; and ſhall and may uſe and exerciſe the ſame Powers and Authorities as the Directors or Truſtees of the ſaid Town appointed by the firſt recited Act could or might have exerciſed and enjoyed by Virtue of the ſame; and in Caſe of the Death, Refuſal to act, or Removal out of the Country of any of the ſaid Directors, the ſurviving or other Directors ſhall, and they are hereby required and impowered, to chooſe another Director, or other Directors, in the Room of ſuch ſo dying, refuſing to act, or removing out of the Country; and ſuch Director or Directors ſhall have the ſame Power and Authority as if expreſsly named and appointed in and by this Act.

CHAP. XI.

An Act, to encourage and impower William Dry, *to make a Public Road through the great Iſland oppoſite to the Borough of* Wilmington.

Private.

I. WHEREAS a Road through the great Iſland oppoſite to the Borough of *Wilmington*, will be very beneficial to Travellers going to and from *South-Carolina*, and to others going to the Town of *Brunſwick*, and up the *Northweſt* River of *Cape-Fear*; and the ſaid *William Dry* being deſirous to make and finiſh the ſame:

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the ſaid *William Dry* ſhall, within Six Months after the paſſing of this Act, ſtake and lay off, or cauſe to be ſtaked and laid off, a Road through the ſaid Iſland, beginning at his Land on the ſaid Iſland oppoſite to *Market-Street* in the ſaid Borough, and running *Weſterly* the neareſt and moſt convenient Way acroſs to the *Northweſt* River.

III. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid *William Dry*, his Heirs, Executors, or Adminiſtrators, ſhall, within Three Years from the paſſing of this Act, make and finiſh a good ſufficient Road through the ſaid Iſland, Sixteen Feet wide, and One Foot above high Water Mark, at Spring Tides, the Ditches to be clear from End to End, and the inſide of the Ditches not to be leſs than Six Feet diſtant from the outſide of the Cauſeway, and convenient for Carriages to paſs and repaſs; and to make Bridges, good and ſubſtantial, and agreeable to Law, over all the Creeks that the ſaid Road ſhall croſs; under the Penalty of Two Hundred

Hundred Pounds Proclamation Money; to be recovered by Action of Debt, in any Court of Record having Cognizance thereof; the one half to the Perſon ſuing for the ſame, and the other half to be applied towards leſſening the County Tax. *A. D.* 1764.

IV. AND to encourage the ſaid *William Dry* to make and finiſh the ſaid Road; *Be it further Enacted, by the Authority aforeſaid*, That in Conſideration of the ſaid *William Dry*'s making and finiſhing the Road as aforeſaid, the Ferries to be kept on both Sides of the *Northweſt* River which the ſaid Road leads to, as alſo the Ferry to be kept on both Sides the *Northeaſt* River, oppoſite to *Market Street* in the Borough of *Wilmington*, and all Perquiſites and Profits ariſing therefrom, are hereby veſted in the ſaid *William Dry*, his Heirs and Aſſigns, for ever; and the ſaid *William Dry*, his Heirs and Aſſigns, ſhall and may hereafter receive for tranſporting Paſſengers, their Horſes and Effects, over each of the ſaid Ferries, the following Rates, *to wit*, For every Foot Paſſenger, Four-pence; For every ſingle Man and Horſe, Eight-pence; and when more than one Man and Horſe, for each Man and Horſe, Four-pence; For every two Wheel Carriage and its Paſſengers, drawn by one or two Horſes, One Shilling and Four-pence; For every four Wheel Carriage and its Paſſengers, drawn by two or four Horſes, Two Shillings and Eight-pence; For every Horſe in the two Wheel Carriage more than two, and in the four Wheel Carriage more than four, Four-pence each.

V. AND as a further Encouragement to the ſaid *William Dry*, to cut, make, finiſh, and keep the ſaid Road and Bridges in good and conſtant Repair; *Be it Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the ſaid *William Dry*, his Heirs and Aſſigns, to be exempt from working Twenty Negro Men on any other Public Roads in this Province, for and during the Space or Term of Five Years, from and after the paſſing of this Act, and no longer.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That as ſoon as the ſaid Road is well and compleatly finiſhed, and Bridges built, as aforeſaid, the ſaid *William Dry*, his Heirs or Aſſigns, ſhall, from Time to Time, for ever thereafter, at his or their own Expence, keep the ſaid Road and Bridges in ſufficient and conſtant Repair; and in Caſe the ſaid *William Dry*, his Heirs, Executors, Adminiſtrators or Aſſigns, ſhall fail or neglect ſo to do, he or they ſhall be liable to the ſame Pains and Penalties for ſuch Failure or Neglect, as the Overſeers of any Public Road are liable to by Virtue of any Act or Acts of Aſſembly in this Province.

VII. *AND be further Enacted*, That if any Perſon or Perſons ſhall, for Fee or Reward, contrary to the Intent and Meaning of this Act, tranſport or carry any Perſon or Perſons, their Horſes, Carriages or Effects, over either of the Branches of *Cape Fear* River, in order to his or their paſſing through or over the ſaid Iſland, ſuch Perſon or Perſons ſo offending ſhall, for every Offence, forfeit and pay the Sum of Twenty Shillings; to be recovered by a Warrant from any Juſtice of the Peace; one half to be paid to the Informer, and the other half to the ſaid *William Dry*, his, Heirs or Aſſigns.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the ſaid *William Dry*, to make Uſe of any Timber on either Side of the ſaid Road that may be neceſſary, for making and finiſhing the ſame.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid *William Dry*, his Heirs, Executors, Adminiſtrators or Aſſigns, ſhall, as ſoon as the ſaid Road is finiſhed, provide good and ſufficient Boats and other proper Craft, for the tranſporting of all Travellers and their Effects, and for ever hereafter ſhall keep the ſame in ſufficient and conſtant Repair, and well and properly attended; under the Penalty of Twenty Pounds Proclamation Money for every Neglect; one half to the Perſon ſuing for the ſame, and the other half to be applied for and towards leſſening the County Tax; to be recovered in any Court of Record within the Counties of *Brunſwick* or *New-Hanover*, wherein the ſame is cognizable.

CHAP.

A. D. 1764.

CHAP. XII.

An Act, to confirm the Veſtry already choſen for the Pariſh of St. John, *in the County of* Bute; *and to enable the Freeholders of the Pariſhes within the Counties of* Paſquotank, Anſon, *and* Currituck, *to elect Veſtries.*

Private.

I. WHEREAS it hath been repreſented, that the Manner of carrying on and conducting the Election of the Veſtry in the Pariſh of St. *John* aforeſaid, was irregular, and not agreeable ſtrictly to the Words of the Act of Aſſembly appointing Veſtries; by which Means its Exiſtence as a Veſtry hath been called in Queſtion, ſo that much Diſquiet and many Law-ſuits may ariſe, unleſs timely prevented:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame, and it is hereby Declared,* That the Veſtry already choſen, elected and ſworn, for the ſaid Pariſh of St. *John*, in the County of *Bute*, be deemed, taken and eſteemed, a true and lawful Veſtry, and veſted with all Powers of other Veſtries duly choſen under an Act, intituled, *An Act, concerning Veſtries.*

III. AND whereas the Law concerning Veſtries, did not come in Time to the Hands of the Sheriffs of *Paſquotank*, *Anſon*, and *Currituck*, to enable them to ſummons the Freeholders to elect Veſtries in each of the Pariſhes within the ſaid Counties; by which Means Parochial Buſineſs remains wholly ſuſpended therein; *Be it therefore further Enacted, by the Authority aforeſaid*, That the Sheriffs of *Paſquotank*, *Anſon* and *Currituck*, on *Eaſter-Monday* next, ſhall proceed, after having given the Freeholders of their ſeveral Counties Thirty Days Notice, to elect and chooſe Twelve Veſtrymen, according to the Rules, Limitations and Reſtrictions, of an Act, intituled, *An Act, concerning Veſtries*; and when the Veſtries ſhall be accordingly choſen and ſworn, they ſhall be deemed, taken and eſteemed lawful Veſtries, until a Re-election, according to the Directions of the aforeſaid Act.

CHAP. XIII.

An Act, to prevent the unreaſonable Deſtruction of Fiſh in the Rivers Meherrin, Peedee *and* Catawba.

Private.

I. WHEREAS many avaricious Perſons, by fiſhing with ſeveral Seans at the ſame Fiſhing-place, and by keeping Nets extended acroſs the Rivers *Meherrin*, *Peedee* and *Catawba*, prevent the Fiſh from paſſing up the ſaid Rivers; ſo that the Inhabitants living on the upper Parts of ſaid Rivers, are deprived from the Benefit of catching Fiſh therein:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That it ſhall not be lawful for any Perſon or Perſons whatſoever, from and after the paſſing of this Act, to draw or fiſh with more than one Sean at any one Fiſhing-place, or within One Eighth of a Mile of each other, on the ſaid Rivers, at a Time, during the Seaſon for fiſhing, or to keep a Net or Sean extended and fixed acroſs either of them, or to make any Hedges, Stops, or Dams on the ſame, to hinder or prevent the Fiſh from paſſing up the ſaid Rivers; and if any Perſon or Perſons ſhall offend herein, he or they ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds Proclamation Money; to be recovered by the Informer, in any Court of Record, with Coſts, by Action of Debt.

CHAP.

CHAP. XIV.

A. D. 1764.

An Act, for altering the Boundary Line between the Counties of Northampton *and* Hertford.

Private.

I. WHEREAS, by the Act of Aſſembly for Eſtabliſhing the County of *Hertford*, it hath, by Experience, been found not ſo convenient for ſome of the lower Inhabitants of *Northampton* County as was by the ſaid Act intended: For Remedy whereof,

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the firſt Day of *March* next, the dividing Line between the ſaid County of *Hertford* and *Northampton*, ſhall be altered as followeth; *to wit*, Beginning on *Kirby*'s Creek, where the dividing Line joins the ſaid Creek, running thence up the Creek to the Fork thereof; then up *Turky* Creek to *Maple* Fork, thence by a direct *South* Courſe till it interſects the preſent dividing Line.

III. *AND be it further Enacted, by the Authority aforeſaid*, That *Joſeph Sykes*, *William Murphrey*, and *Benjamin Wynns*, or the Majority of them, are hereby appointed Commiſſioners to run the ſaid Line; which ſhall be done at the proper Coſt and Charges of the County of *Hertford*.

IV. *PROVIDED neverthelefs*, That nothing herein contained, ſhall extend to debar or hinder the Sheriff of *Northampton* County from collecting all the Public, County, and Pariſh Taxes, due within that Part of the ſaid *Northampton* County which is hereby intended to be Part of *Hertford* County, after the ſaid Firſt Day of *March* next; any Law, Uſage, or Cuſtom to the contrary, notwithſtanding.

CHAP. XV.

An Act, to continue an Act therein mentioned.

Private.

I. WHEREAS by one Act of Aſſembly, paſſed at *Wilmington* in the Fourth Year of the Reign of his preſent Majeſty, intituled, *An act, to impower the Sheriff of* Orange *for the Time being, to collect and apply the Arrears of the Taxes due in the ſaid County for the ſeveral Years therein mentioned*, hath not had its full Effect:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid recited Act, and every Article and Clauſe thereof, and all the Powers and Authorities mentioned therein, ſhall be, continue, and remain in Force, until the Duties, Purpoſes, Services, and Truſts therein expreſſed, ſhall be fully performed and compleated; any Thing in the ſaid Act contained to the contrary, notwithſtanding.

CHAP. XVI.

An Act, for the Relief of Abraham Jones, *Eſq; former Sheriff of* Edgcomb *County.*

Private.

I. WHEREAS *Abraham Jones*, Eſq; was, in the Year One Thouſand Seven Hundred and Fifty Eight, and for ſometime before, Sheriff of *Edgcomb* County, and as ſuch chargeble with, and accountable for, the ſeveral Public Taxes by Law aſſeſſed for that Year, and alſo with the Arrears then due; but being ſuperſeded in his ſaid Office in the Beginning of the Year following, when the ſaid Taxes were payable, and altho' impowered by Law, yet being prevented

A. D. 1764. vented by uncommon Accidents from collecting the ſame, as by his humble Petition to this General Aſſembly is ſet forth; and having prayed to be relieved therein:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That it ſhall and may be lawful for the Court of the ſaid County of *Edgcomb*, and they are hereby authoriſed and required, to allow unto the ſaid *Abraham Jones* in his Accounts, ſuch Number of Delinquents for the Time he was Sheriff of *Edgcomb*, or Collector of Taxes as ſuch, as he ſhall, by his own Oath, or otherwiſe, prove to be in Arrear to him, whereof he ſhall make and exhibit to the ſaid Court, on Oath, a fair Liſt or Liſts, expreſſing therein the Names of each particular Perſon chargeable, and for what Year; which Liſt or Liſts of Taxables in Arrear to be returned as aforeſaid by the ſaid *Abraham Jones*, or atteſted Copies thereof, ſhall, by the ſaid Court of the County of *Edgcomb*, be put into the Hands of the Sheriff of *Edgcomb* and of *Halifax*, and they and each of them are hereby authoriſed and required to collect and account with, and pay, to the Treaſurer of the *Northern* Diſtrict, all ſuch Sums as they ſhall collect by Virtue of this Act, and the ſame ſhall be from the ſaid Treaſurer allowed towards diſcharging the Debt due from the ſaid *Abraham Jones* to the Public: And if any Perſon in Arrear for the Public Taxes abovementioned, ſhall neglect or refuſe to pay them to the Sheriff by this Act impowered to receive the ſame, it ſhall and may be lawful for ſuch Sheriff to diſtrain and ſell ſo much of the Goods and Chattels of ſuch Perſon as ſhall be ſufficient to ſatisfy ſuch Taxes, and Charges of Diſtreſs: And if any Sheriff chargeable with the Taxes abovementioned, in Virtue of this Act, ſhall, after the Tenth Day of *June* next, neglect or refuſe to account for, and pay all ſuch Sums of Money as he ſhall receive in Virtue of this Act, to the Treaſurer of the *Northern* Diſtrict, deducting the uſual Commiſſions for receiving, it ſhall and may be lawful for the ſaid Treaſurer, to proceed againſt ſuch Sheriff, by Motion, to final Judgment and Execution, in the Superior Court for the Diſtrict of *Halifax*, in the ſame Manner as by Law he is impowered to proceed for other Taxes; giving ſuch Sheriff at leaſt Ten Days previous Notice in writing, thereof.

CHAP. XVII.

An Act, to increaſe the Salary of the Reverend Thomas Burges, *Miniſter of* Edgcomb *Pariſh, in the County of* Halifax.

Private. I. WHEREAS by the Act of Aſſembly, for confirming an Agreement made by the Churchwardens and Veſtry of *Edgcomb* Pariſh, in *Halifax* County, with the Reverend *Thomas Burges*, the Veſtry of the ſaid Pariſh are reſtrained from levying and paying a larger Sum of Money than One Hundred Pounds *per Annum*, to the ſaid *Thomas Burges*, which is much leſs, than the Salary allowed by Law to other Miniſters within this Province:

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, the ſaid Veſtry of *Edgcomb* Pariſh, ſhall levy and pay to the ſaid *Thomas Burges*, as much Money *per Annum*, as other Miniſters within this Province ſhall continue to have, by Virtue of an Act of Aſſembly, for making Proviſion for an Orthodox Clergy; any Law, Uſage or Cuſtom, to the Contrary, notwithſtanding.

SIGNED by

Read Three Times, and Ratified in open Aſſembly, the 27th Day of *November*, 1764.

ARTHUR DOBBS, Eſq; Governor.
JAMES MURRAY, Preſident.
JOHN ASHE, Speaker.

A. D. 1765.

ANNO REGNI GEORGII III,

Regis, *Magnæ Britanniæ, Franciæ, & Hiberniæ,* Quinto.

At an ASSEMBLY begun and held at *Wilmington*, the Third Day of *February*, in the Fourth Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of GOD, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* and in the Year of our Lord One Thouſand Seven Hundred and Sixty-four; and from thence continued, by ſeveral Prorogations, to the Third Day of *May*, in the Fifth Year of the Reign of our ſaid Sovereign Lord *GEORGE* the Third, *&c.* and in the Year of our Lord One Thouſand Seven Hundred and Sixty-five; to be then held at *Newbern*: Being the Third Seſſion of this preſent Aſſembly.

WIL. TRYON, Eſq; Lieutenant-Governor.

CHAP. I.

An Act, for Eſtabliſhing an Orthodox Clergy.

I. WHEREAS making a reaſonable and certain Proviſion for an Orthodox Clergy, may tend to encourage pious and learned Miniſters of the Goſpel to ſettle in the ſeveral Pariſhes in this Province: Preamble.

II. BE it *Enacted, by the Lieutenant-Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Miniſter now, or hereafter to be preferred to, or received into any Pariſh within this Province, as Incumbent thereof, ſhall have and Miniſter's Salary

A. D. 1765. receive a Salary of One Hundred and Thirty-three Pounds Six Shillings and Eight-pence, Proclamation Money; to be paid by the Churchwardens and Veſtrymen, on or before the laſt Day of *June*, Annually: And every Miniſter may take and receive for the Services herein after mentioned, the following Fees, *to wit*,

His Fees.

FOR Marrying, if by Licence, Twenty Shillings; if by Banns, Five Shillings.

FOR publiſhing Banns, and granting a Certificate thereof, One Shilling and Six-Pence.

FOR preaching a Funeral Sermon, if required, Forty Shillings, Proclamation Money.

And may demand and receive the ſaid Perquiſites, if he ſhall not refuſe or neglect to do the ſaid Services, although ſuch Services ſhall be performed by any other Perſon.

Glebe to be purchaſed.

III. *AND be it further Enacted, by the Authority aforeſaid*, That in every Pariſh of this Province, where a Glebe is not already purchaſed and appropriated, a Tract of good Land, to contain Two Hundred Acres at leaſt, ſhall be purchaſed by the Veſtry, as a Glebe for the Uſe of the Incumbent of ſuch Pariſh for the Time being, and his Succeſſors, for ever; and until ſuch Glebe ſhall be purchaſed, and Buildings erected thereon, in Manner herein after mentioned, the Miniſter of ſuch Pariſh ſhall have and receive the Sum of Twenty Pounds, Proclamation Money, Annually. And where a Manſion-houſe and convenient Out-houſes are not already erected, for the Uſe of the Miniſter, *It is hereby Enacted*, That the Veſtry of every ſuch Pariſh, are hereby authorized, impowered and required, to cauſe to be erected and built on ſuch Glebe, one convinient Manſion-Houſe, of Thirty-eight Feet in Length, and Eighteen Feet in Width, a Kitchen, Barn, Stable, Dairy, and Meat-houſe, with ſuch other Conveniences as they ſhall think neceſſary.

Manſion-Houſe to be built.

Buildings on Glebes to be kept in Repair.

IV. AND to the End that the Buildings already erected, or hereafter to be erected upon every Glebe, may be kept in good Condition; *It is hereby further Enacted*, That the Miniſter of every Pariſh within this Province, ſhall, during the Time of his being Incumbent of the Pariſh, keep and maintain the Manſion-Houſe, the Out-houſes, and other Conveniencies erected, or to be erected on his Glebe, in tenantable Repair, and ſhall ſo leave the ſame at his Removal from his Pariſh, or Death; (Accidents by Fire or Tempeſt only, excepted:) And in Caſe any Miniſter ſhall fail ſo to do, ſuch Miniſter, his Executors or Adminiſtrators, ſhall be liable to the Action of the Churchwardens of the Pariſh for the Time being, wherein the Value of ſuch Repair ſhall be recovered, and Damages, with Coſts of Suit; and the Damages ſo recovered, ſhall be applied and laid out in neceſſary Repairs upon the Glebe; and every Veſtry of a vacant Pariſh, is hereby impowered and required to put all the Buildings upon the Glebe of their Pariſh, into ſuch good and ſufficient Repair that they may be fit for the Reception of the ſucceeding Miniſter.

Veſtry may make neceſſary Repairs.

V. *PROVIDED neverthelefs*, That any Veſtry who ſhall judge that the Miniſter has not wilfully committed any Waſte on his Glebe, ſhall make ſuch neceſſary Repairs at the Charge of the Pariſh, as they ſhall think proper.

VI. *AND*

A. D. 1765.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Clergyman preſented to any Parochial Living within this Province, ſhall be guilty of any groſs Crime or notorious Immorality, it ſhall be lawful for the Governor or Commander in Chief for the Time being, by and with the Advice of his Majeſty's Council, to ſuſpend the ſaid Clergyman from ſerving the Cure of ſuch Pariſh whereof he was Incumbent; and ſuch Suſpenſion ſhall be deemed good and valid, until ſuch Time as the Biſhop of *London* ſhall either reſtore, or paſs Sentence of Deprivation on him, by notifying the ſame to the Governor, or Commander in Chief for the Time being.

Minſter guilty of Immorality, may be ſuſpended by the Governor.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That every Pariſh, the Miniſter whereof ſhall be ſuſpended as aforeſaid, ſhall be entirely diſcharged from the Payment of the Salary and Proviſions by this Act allowed and made for the Miniſter thereof, for all ſuch Time as the ſaid Suſpenſion ſhall remain in Force.

Miniſter ſuſpended, Pariſh diſcharged from Payment of the Salary.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Act and Acts heretofore paſſed, relative to the making Proviſion for an Orthodox Clergy, and all and every Clauſe and Article contained in any ſuch Act or Acts, (except one Act of Aſſembly, intituled, *An Act, to confirm an Agreement made by the preſent Churchwardens and Veſtry of* Chriſt-Church *Pariſh, in* Craven *County, with the Reverend* James Reed; and alſo one other Act, intituled, *An Act, to confirm an Agreement made by the Churchwardens and Veſtry of* Edgcomb *Pariſh, in* Halifax *County, with the Reverend* Thomas Burgeſs,) from henceforth ſhall be repealed and made void.

Repealing Clauſe.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That every Sheriff, and other Pariſh Collector, ſhall, on his Appointment to the ſaid Office, enter into Bond, with ſufficient Securities, to the Churchwardens and Veſtrymen of the Pariſh whereof he ſhall be ſo appointed Collector, with Condition, that he will well and truly collect and pay to the ſaid Churchwardens and Veſtrymen, the Taxes by them aſſeſſed, for the Uſe of the Pariſh; and alſo ſave harmleſs, and keep indemnified, the ſaid Churchwardens and Veſtry, from all Suits, Coſts and Damages, which they ſhall ſuſtain, if the ſaid Collector ſhall fail to make ſuch Collection and Payment.

Sheriff to give Bond, to collect the Pariſh Tax, and ſave harmleſs the Veſtry.

X. *AND be it further Enacted, by the Authority aforeſaid*, That if any Pariſh Collector ſhall fail or neglect to collect and pay to the Churchwardens and Veſtry of the Pariſh whereof he is Collector, on or before the Thirtieth Day of *June* aforeſaid, all ſuch Pariſh Taxes as he ſhall or ought to have collected, after deducting the Commiſſions by Law allowed him, and the Sums chargeable to Perſons who have no viſible Eſtate in his Pariſh; it ſhall and may be lawful for the Superior Court of the Diſtrict, on Motion of the Churchwardens and Veſtrymen, to give Judgment againſt ſuch Collector, and his Securities, for all the Money wherewith he is or ſhall ſtand chargeable as aforeſaid, with Coſts, and to award Execution. *Provided*, That ſuch Collector have Ten Days previous Notice of ſuch Motion.

Judgment may be entered againſt him, on failing to account for the Taxes.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Churchwardens and Veſtry of each Pariſh, ſhall pay and ſatisfy to the Miniſter thereof, the Salary by this Act allowed him, on or before the Firſt Day of *Auguſt*, in every Year: And in caſe of Neglect or Refuſal, the Miniſter ſhall and may, by Motion in the Superior Court

Miniſter's Salary to be paid by the firſt of Auguſt, yearly.

A. D. 1765. Court, have the like Remedy, Proceedings and Relief, againſt ſuch Churchwardens and Veſtry ſo neglecting or refuſing, as is or may, by Virtue of this Act, be had againſt any Pariſh Collector, for Taxes by him to be collected and paid to the Churchwardens and Veſtry.

Miniſt to preach where the Veſtry appoint.

XII. *AND be it further Enacted, by the Authority aforeſaid,* That the Miniſter of every Pariſh, ſhall preach at the Churches and Chapels which now are, or hereafter ſhall be erected in the Pariſh whereof he is Miniſter, and at ſuch other ſuitable Places as the Veſtry for the Time being ſhall direct.

CHAP. II.

An Act, for Opening and Cutting Two Roads from the Ferry on the North-Weſt *River, oppoſite* Eagle's *Iſland, in* Brunſwick *County, and other Purpoſes.*

Preamble.

I. WHEREAS by an Act of Aſſembly lately paſſed at *Wilmington*, *William Dry*, Eſquire, is impowered to make a public Road through the Great Iſland, oppoſite the Borough of *Wilmington*, which ſaid Road is nigh opened; and as it is neceſſary that two Roads ſhould be laid off and made from the Ferry on the *North Weſt* River, leading from the ſaid new Road, one towards *Brunſwick*, the other upwards into the main Road:

Roads to be laid out.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Inferior Court of *Brunſwick* County, ſhall, within Three Months after the paſſing this Act, nominate and appoint Twelve Men, to lay out the ſaid Roads; and the Perſons ſo appointed, or the Majority of them, ſhall, within two Months after their Appointment, lay out the ſaid Roads, from that Part of the *North-Weſt* River oppoſite the Road through *Eagle*'s Iſland; one Road leading towards *Brunſwick*, the other towards *Bladen* County, each to interſect the main Road, the beſt and neareſt Way; and if any Perſon appointed to lay out the ſaid Roads, ſhall refuſe or neglect to perform the ſame, he ſhall forfeit and pay the Sum of Five Pounds Proclamation Money; to be recovered by any Perſon who ſhall ſue for the ſame by Action of Debt brought in the Name of the Chairman of the Inferior Court of *Brunſwick* County; which Money, when recovered, ſhall be paid to the Chairman of ſaid Court, and by him be applied towards making the ſaid Roads.

Penalty for Neglect.

Overſeer to be appointed.

Perſons in the Diſtrict unable to make ſaid Roads, Hands of any other Diſtrict may be ordered to aſſiſt.

III. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid Inferior Court ſhall, within Six Months after the paſſing of this Act, appoint an Overſeer or Overſeers, as they ſhall think requiſite; and in caſe the Perſons liable to work on the ſaid Roads in the Diſtrict where the ſame is to be made, ſhould not be ſufficient to make and finiſh the ſame, the ſaid Court is hereby impowered and directed to order any Number of Hands they ſhall think neceſſary, out of any other Diſtrict or Diſtricts within their County, to aſſiſt in making and finiſhing the ſame, under the Penalty of *One Hundred Pounds* Proclamation Money; to be recovered by, and paid to any Perſon ſuing for the ſame; one Half to his own Uſe, and the other Half to be by him applied for and towards making the ſaid Roads; and the Overſeer or Overſeers appointed

appointed by the ſaid Court, ſhall, and are hereby veſted with the ſame Powers and Authorities, and liable to the ſame Penalty, as any Overſeers of Roads are veſted with, or liable to: And the Overſeer or Overſeers ſo appointed, ſhall, within Eighteen Months after their Appointment, make and finiſh, or cauſe to be made and finiſhed, the ſaid Roads, with all Bridges that may be neceſſary; under the Penalty of *Fifty Pounds* Proclamation Money each, to be recovered by any Perſon ſuing for the ſame; one Half to his own Uſe, and the other Half to be paid to the Chairman of the Inferior Court of *Brunſwick* County, to be by him applied for and towards compleating the ſaid Roads.

Overſeer to finiſh the Roads within 18 Months.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon whatever, reſiding, or to reſide on the ſaid Iſland, ſhall be licenced to keep any Tavern, Ordinary, or Tippling-Houſe thereon, within one Mile of the ſaid Road, other than at the Ferry-Houſes.

No Tavern to be kept on the Iſland within 1 Mile of the Ferries.

V. AND to enable the ſaid *William Dry* to make a good and ſufficient Cauſway through the ſaid Iſland, oppoſite to *Wilmington*; *Be it Enacted, by the Authority aforeſaid*, That the ſaid *William Dry*, his Servants or Slaves, ſhall and may, at all Times hereafter, make Uſe of any Earth, Dirt, or Sand, neceſſary in making and repairing the Cauſway aforeſaid, from off any Perſon's Lands adjacent thereto, without any Let, Hindrance, or Moleſtation whatever.

Dirt may be taken off adjacent Lands to make the Cauſway.

CHAP. III.

An Act, Confirming the Title of William Dry, *Eſquire, to certain Lands therein mentioned.*

Private.

I. WHEREAS *George Pollock*, late of *Bertie* County, Eſquire, deceaſed, in his Life Time, *to wit*, on the *Twenty-ſecond* Day of *April*, in the Year *One Thouſand Seven Hundred* and *Sixty-two*, did make and execute to the ſaid *William Dry*, Eſquire, a certain Writing Obligatory, binding himſelf, his Heirs, Executors and Adminiſtrators, in the Sum of *Two Thouſand Pounds* Proclamation Money, with Condition, that the ſaid *George Pollock* ſhould well and truly make and convey to the ſaid *William Dry*, Eſquire, his Heirs and Aſſings, a good and ſufficient Eſtate in Fee-ſimple, of, in, and to a certain Tract or Parcel of Land containing about *Nine Hundred* Acres, lying and being in *Craven* County, and is Part of, and adjoining the Town of *Newbern*, being the Tract of Land formerly granted to *Daniel Richardſon*, by Patent, by the late Lords Proprietors, bearing Date the *Twelfth* Day of *January*, in the Year *One Thouſand Seven Hundred* and *Thirteen-fourteen*, (on Record in the Secretary's Office of this Province, Reference being thereunto had, may more fully appear) and by him the ſaid *Daniel*, ſold and conveyed to *Thomas Pollock*, Eſquire, Grand-Father of the ſaid *George Pollock*; and alſo convey, transfer, aſſign, and make over to the ſaid *William Dry*, his Heirs and Aſſigns, all the Eſtate, Right, Title, Intereſt, Property, Claim and Demand of the ſaid *George Pollock*, in and to the ſeveral Lots and Parcels of Land belonging to the ſaid *George Pollock*, in the ſaid Town of *Newbern*; as alſo all the Eſtate, Right, Title, Intereſt, Property, Claim

A. D. 1765. and Demand, of the ſaid *George Pollock*, of, in, and to all vacant Lots of Land, and all Lots eſcheated or eſcheatable in the ſaid Town of *Newbern*, by Reaſon of Non-improvement, or otherwiſe. AND whereas the ſaid *George Pollock* ſince departed this Life, having firſt duly made and executed his laſt Will and Teſtament in Writing, and therein and thereby deviſed all his Lands, Tenements and Hereditaments to *Cullen Pollock* and *Thomas Pollock*, Eſquires, in Tail-Male, and appointed them the ſaid *Cullen* and *Thomas*, Executors thereof: AND whereas the ſaid Heirs at Law of the ſaid *George Pollock*, are under Age, and the ſaid *Cullen* and *Thomas* are deſirous that the Condition of the ſaid Writing Obligatory ſhould be confirmed and complied with:

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Aſſembly, and by the Authority of the ſame, and it is hereby Enacted*, That all the Eſtate, Right, Title, Intereſt, Property, Claim, and Demand, of the ſaid *George Pollock*, of, in, and to the ſaid Tract or Parcel of Land, containing *Nine Hundred* Acres, be the ſame more or leſs, with the Appurtenances; as alſo, of, in, and to the ſeveral Lots or Parcels of Land belonging to the ſaid *George Pollock*, in the Town of *Newbern*; with all the Eſtate, Right, Title, Intereſt, Property, Claim and Demand of the ſaid *George Pollock*, of, in, and to all vacant Lots; all Lots or Parcels of Land eſcheated or eſcheatable, in the ſaid Town; be, and are hereby declared to be veſted in the ſaid *William Dry*, his Heirs and Aſſigns, in as full and ample a Manner as the ſaid *George Pollock*, at the Time of making and executing the ſaid Writing Obligatory, or at any Time or Times ſince, might or could have conveyed the ſame to any Perſon whatſoever.

CHAP. IV.

An Act, to impower the Sheriff of Orange *County, to collect a Tax of* One Shilling *and* Six-Pence *Proclamation Money, laid on the Taxable Perſons in the ſaid County, by an Act of Aſſembly of this Province, paſſed in the* Fourth *Year of the Reign of His preſent Majeſty.*

Private. I. WHEREAS in and by an Act of Aſſembly of this Province, paſſed the *Ninth* Day of *March*, in the Year of Lord *One Thouſand Seven Hundred* and *Sixty-four*, intituled, *An Act, to continue an Act, intituled, An Act to make Proviſion for paying the Chief Juſtice, and Attorney-General's Salaries, and defraying the Contingent Charges of Government*, paſſed in the Year of our Lord *One Thouſand Seven Hundred* and *Fifty eight*, in which ſaid Act ſo continued, among other Things, it is Enacted, That a Poll-Tax of *One Shilling* and *Six-pence*, on each Taxable Perſon in this Province, ſhould be collected by the Sheriffs of the ſeveral Counties, and by them accounted for, and paid to the Treaſurers of the reſpective Diſtricts at the ſame Time, and in the ſame Manner, and under the ſame Penalties, as is by Law directed, for the collecting, accounting for, and paying other Taxes, and applied as is therein directed: AND whereas, the Act for continuing ſaid Act, after the Ratification thereof, was not tranſmitted to the ſaid County of *Orange* in due Time; and the Treaſurer of the

the Southern Diſtrict having given Inſtruction from under his Hand, as a Guide to *Thomas Hart*, Eſquire, then Sheriff, in collecting the Public Taxes for the Year *One Thouſand Seven Hundred* and *Sixty-three*, That the whole of the Public Tax for the ſaid Year from each taxable Perſon, amounted only to *Five Shillings* and *Eight-pence*; WHEREFORE the ſaid *Thomas Hart*, Sheriff as aforeſaid, collected and received from each taxable Perſon within the ſaid County, *Five Shillings* and *Eight-pence* only; when, in Truth, the whole of the public Tax due from each taxable Perſon for ſaid Year, amounted to *Seven Shillings* and *Two-pence*; and the ſaid *Thomas Hart* being liable to account for, and pay to the Treaſurer, the ſaid Tax of *One Shilling* and *Six-pence*, for the Year *One Thouſand Seven Hundred* and *Sixty-three*, for each Taxable then in ſaid County, out of his private Eſtate, to the great Impoveriſhment of his Family: For Remedy whereof, A. D. 1765.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid Poll-Tax of *One Shilling* and *Six-pence* for each Taxable in the County of *Orange*, Part of the public Tax omitted by the ſaid *Thomas Hart*, in his Collection in the Year *One Thouſand Seven Hundred* and *Sixty-three*, ſhall be received and collected by the Sheriff of *Orange* County in his Collection of public Taxes in the Year of our Lord *One Thouſand Seven Hundred* and *Sixty five*; which ſaid Tax of *One Shilling* and *Six-pence* ſo collected, ſhall by him be accounted for, and paid by the Treaſurer of the Diſtrict, in the ſame Manner, and under the like Penalties as are by Law directed for the collecting, accounting for, and paying of other public Taxes.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid *Thomas Hart*, his Heirs, Executors and Adminiſtrators, ſhall ſtand for ever releaſed, acquitted, exonerated, and diſcharged from being anſwerable or accountable to the public Treaſurer of the Diſtrict, or any other whomſoever, for the Payment of any other or greater Sum or Sums of Money, as Sheriff of *Orange* County, for the Year *One Thouſand Seven Hundred* and *Sixty-three*, than *Five Shillings* and *Eight-pence* for each taxable Perſon, as the public Tax for the ſaid Year *One Thouſand Seven Hundred* and *Sixty-three*.

SIGNED by

WILLIAM TRYON, Eſq; Lieutenant-Governor.

JAMES HASELL, Preſident.

JOHN ASHE, Speaker.

Read Three Times, and Ratified in open Aſſembly, the 18th Day of *May*, *A. D.* 1765.

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TO THE

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Act concerning Treaſurers, page 35, ch. 5, provid. for by Act for appointing Treaſrs.
Act for granting a Duty on Ships, page 35, chap. 7, exp.
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